UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: May 9, 2007

Opposition No. 91153344

ISI Brands, Inc.
(substituted as party plaintiff)[1]

v.

KCC International, Inc.

George C. Pologeorgis, Interlocutory Attorney:

On October 2, 2003, the Board issued an order suspending these proceedings pending the final disposition of a civil action between the parties in the United States District Court for the Eastern District of New York styled *Twin Laboratories, Inc. v. KCC International, Inc.*, Civil Action No. CV-03 1605, that involved the marks at issue in the instant proceeding.

On November 1, 2006 and February 20, 2007, applicant filed communications with the Board advising that the civil

[1] On January 5, 2006, the parties filed a joint communication with the Board advising, among other things, that opposer Twin Laboratories, Inc. assigned all the marks it intends to rely on in this proceeding to ISI Brands, Inc. and that ISI Brands, Inc. should now be substituted as party plaintiff in this case. The parties provided evidence of the assignment that was recorded with the Assignment Branch at the USPTO on December 24, 2003. In view of the foregoing, ISI Brands, Inc. is hereby substituted as party plaintiff in this proceeding.

action referenced above has been dismissed and requested that the Board lift the suspension in these proceedings and allow the proceedings to proceed or be dismissed. Applicant included a copy of the district court's order dismissing the civil action.

A review of the district court order indicates that the civil action was dismissed solely on grounds of personal jurisdiction and not on the merits of the case.

Accordingly, since the civil action was not adjudicated on the merits, proceedings herein are hereby resumed.

Discovery and trial dates are reset as follows:

DISCOVERY TO CLOSE	**June 9, 2007**
Thirty-day testimony period for party in position of plaintiff to close:	**September 7, 2007**
Thirty-day testimony period for party in position of defendant to close:	**November 6, 2007**
Fifteen-day rebuttal testimony period for plaintiff to close:	**December 21, 2007**

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.l25.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.l29.