

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

Taylor

Mailed: June 30, 2004

Opposition No. 91155077

Genetics Institute, LLC

v.

Joar Opheim and Michelle  
Opheim, DBA Nordic  
Naturals, by  
correction of an error  
and substituted for Joar  
Opheim

Jyll S. Taylor, Attorney:

Applicant's motion (filed November 18, 2003) to accept a late-filed answer is granted as uncontested. See Trademark Rule 2.127(a). Accordingly, applicant's concurrently filed answer is accepted and made of record.

Applicant's motion (filed November 18, 2003) to correct an error in the identification and entity designation of applicant is granted as uncontested. See Trademark Rule 2.127(a). See also TMEP § 1201.02(c)(4). Accordingly, Joar Opheim and Michelle Opheim, a partnership DBA Nordic Naturals is substituted as defendant herein.

The power of attorney (filed November 18, 2003) is noted and the proceeding records have been updated accordingly.

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Finally, the parties' stipulation, filed February 2, 2004, to suspend these proceedings for 90 days to allow the parties time to negotiate towards settlement is granted and proceedings herein are considered to have been suspended since the filing date of the motion.

The suspension period having expired with no word from either party concerning the status of their negotiations, it is concluded that efforts to reach an amicable settlement in this case have been unsuccessful.

Accordingly, proceedings herein are resumed and trial dates, including the close of discovery, are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	August 31, 2004
30-day testimony period for party in position of plaintiff to close:	November 29, 2004
30-day testimony period for party in position of defendant to close:	January 28, 2005
15-day rebuttal testimony period for plaintiff to close:	March 14, 2005

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 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b).

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An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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