

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

Mailed: January 27, 2005

Opposition No. 91160366

J. Kinderman & Sons, Inc. d/b/a
Brite St

v.

Intermatic Incorporated

Angela Campbell, Paralegal Specialist:

Proceedings herein are suspended pending disposition of the motion to compel, except as discussed below.¹ The parties should not file any paper which is not germane to the motion to compel. See Trademark Rule 2.120(e)(2), as amended effective October 9, 1998.²

This suspension order does **not** toll the time for either party to respond to discovery requests which had been duly

¹ Defendant's stipulated motion for extension of time filed November 18, 2004 is noted and approved.

² See Notice of Final Rulemaking published in the *Federal Register* on September 9, 1998 at 63 FR 48081 and in the *Official Gazette* on September 29, 1998 at 1214 TMOG 145. A copy of the recent amendments to the Trademark Rules, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.

served prior to the filing of the motion to compel, nor does it toll the time for a party to appear for a discovery deposition which had been duly noticed prior to the filing of the motion to compel. See *Id.* The motion to compel will be decided in due course.