

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: July 29, 2004

Opposition No. 91160699

Pharmacia Corporation and
Pharmacia & Upjohn
S.A Upjohn S.A

v.

Herbaceuticals, Inc.

Rochelle Ricks, Paralegal Specialist:

Applicant's answer filed on July 9, 2004 is noted. On July 16, 2004, applicant filed a consented motion to suspend proceedings to allow parties time to facilitate settlement negotiations, which is granted as indicated below.

Accordingly, since the parties are negotiating for a possible settlement of this case, proceedings herein are suspended until six months from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

The parties are allowed until THIRTY DAYS from the date of resumption in which to serve responses to any outstanding discovery requests. Trial dates, including the close of discovery, are reset as follows:

Proceedings resume:	February 6, 2005
Discovery period to close:	May 7, 2005
Thirty-day testimony period for party in position of plaintiff to close:	August 5, 2005
Thirty-day testimony period for party in position of defendant to close:	October 4, 2005
Fifteen-day rebuttal testimony period to close:	November 18, 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). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.