

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

December 8, 2005

PROCEEDING NO. 91164638
ECOLAB INC

v.

TOTO USA, Inc.

MOTION TO SUSPEND GRANTED

ECOLAB INC's motion filed, Dec 08, 2005, to suspend this proceeding to allow the parties time to continue their settlement efforts is granted. Accordingly, proceedings herein are suspended until Feb 06, 2006, subject to the right of either party to request resumption at any time. During the suspension period, the parties shall notify the Board of any change of address for either the parties or their counsel.

Unless the parties sooner request resumption, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below. If an answer has not been filed, the defendant is allowed until thirty days from the date of resumption to file an answer. The parties are allowed THIRTY DAYS from resumption in which to serve responses to any outstanding discovery requests.

Proceedings Resume:

Feb 07, 2006

DISCOVERY PERIOD TO CLOSE:

Closed

Thirty-day testimony period for party in
position of plaintiff to close:

Apr 08, 2006

Thirty-day testimony period for party in
position of defendant to close:

Jun 07, 2006

Fifteen-day rebuttal testimony period
to close:

Jul 22, 2006

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.

***By the Trademark Trial
and Appeal Board***