

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

Baez

Mailed: September 21, 2006

Opposition No. 91168183

U.S. Bariatric, LLC

v.

Elaine F. Kommers

**Jyll S. Taylor, Attorney:**

On September 12, 2006, the parties filed a stipulated withdrawal of opposer's motion to compel. Accordingly, the motion will not be further considered.

Proceedings herein are resumed and discovery and trial dates are reset as indicated below:

PROCEEDINGS RESUME: September 21, 2006

THE PERIOD FOR DISCOVERY TO CLOSE: December 21, 2006

30-day testimony period for party in position of plaintiff to close: March 21, 2007

30-day testimony period for party in position of defendant to close: May 20, 2007

15-day rebuttal testimony period for plaintiff to close: July 4, 2007

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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.

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