

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

Baxley

Mailed: July 18, 2007

Opposition No. 91174787

New Line Productions, Inc.

v.

B.J. Alan Company

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

On July 10, 2007, B.J. Alan Company ("Alan") filed a combined withdrawal of the counterclaim and motion to suspend for settlement negotiations and extend discovery and testimony periods.

Because no answer is of record, the counterclaim is dismissed without prejudice. See Trademark Rule 2.114(c). The notice of default that the Board issued on June 25, 2007 with regard to New Line Productions, Inc.'s failure to file an answer to the counterclaim is moot.

The consented motion to suspend this case for settlement negotiations and to extend discovery and testimony periods is granted. Proceedings herein are suspended until January 21, 2008, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

If there is no word from either party concerning the progress of their negotiations by January 21, 2008,

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proceedings herein will resume automatically without further action by the Board on January 22, 2008. The parties will be allowed until February 21, 2007 to serve responses to any outstanding written discovery requests. Discovery and testimony periods will be reset as follows.

DISCOVERY PERIOD TO CLOSE: **4/22/08**

Plaintiff's 30-day testimony period to close: **7/21/08**

Defendant's 30-day testimony period to close: **9/19/08**

Plaintiff's 15-day rebuttal testimony period to close: **11/3/08**

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.