

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

gcp

Mailed: June 5, 2009

Opposition No. 91183238

THE TORONTO-DOMINION BANK  
(substituted for COMMERCE  
BANCORP as party plaintiff)

v.

JIM KOONS MANAGEMENT COMPANY

***Tina Craven, Paralegal Specialist:***

Opposer's consented motion (filed May 29, 2009) to substitute The Toronto-Dominion Bank as party plaintiff in this proceeding is granted. See Trademark Rule 2.127(a) and TBMP § 512 (2<sup>nd</sup> ed. rev. 2004). Accordingly, The Toronto-Dominion Bank is now the party plaintiff in this case.

Additionally, opposer's consented motion (filed May 29, 2009) to suspend proceedings up to, and including, July 31, 2009 pending settlement negotiations is granted. See Trademark Rule 2.117(c).

Accordingly, proceedings herein are **suspended** until July 31, 2009 and set to resume on August 1, 2009.

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, beginning with the deadline for expert disclosures as set forth below:

|   |                       |
|---|-----------------------|
| Proceedings resume:                     | <b>August 1, 2009</b> |
| Expert Disclosures Due                  | <b>8/10/2009</b>      |
| Discovery Closes                        | <b>9/9/2009</b>       |
| Plaintiff's Pretrial Disclosures        | <b>10/24/2009</b>     |
| Plaintiff's 30-day Trial Period Ends    | <b>12/8/2009</b>      |
| Defendant's Pretrial Disclosures        | <b>12/23/2009</b>     |
| Defendant's 30-day Trial Period Ends    | <b>2/6/2010</b>       |
| Plaintiff's Rebuttal Disclosures        | <b>2/21/2010</b>      |
| Plaintiff's 15-day Rebuttal Period Ends | <b>3/23/2010</b>      |