

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

tlc

Mailed: September 27, 2010

Opposition No. 91190931

Opposition No. 91193565

Opposition No. 91195675

Ipswitch, Inc.

v.

Nero AG

Elizabeth A. Dunn, Attorney (571-272-4267):

On April 23, 2010, the Board suspended this consolidated proceeding for settlement negotiations until August 18, 2010, providing for automatic resumption "[i]n the event that there is no word from either party concerning the progress of their negotiations."

On August 23, 2010, the parties reported that settlement negotiations "have proceeded well", and jointly moved to add Opposition No. 91195675 to the consolidated proceeding, and to suspend the consolidated proceeding pending the parties' settlement negotiations.¹ In all three proceedings, an answer has been filed, and the proceedings involve applications for

¹ This paper was filed in all three proceedings. Consistent with consolidation, the parties should file papers only in the parent case, Opposition No. 91190931.

Opposition Nos. 91190931, 91193565 and 91195675

the related marks MOVE-IT, MOVEIT, and NERO MOVE IT.

Accordingly, the joint motion is granted, and Opposition No. 91195675 is added to consolidated opposition identified by parent Opposition No. 91190931.

The parties are ordered to notify the Board in writing (filed in the parent case) of any further related proceedings involving the parties.

The parties' motion to suspend for settlement is granted. Proceedings herein are suspended until March 16, 2010, 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.

Proceedings Resume:

3/17/11

Deadline for Discovery Conference	4/16/11
Discovery Opens	4/16/11
Initial Disclosures Due	5/16/11
Expert Disclosures Due	9/13/11
Discovery Closes	10/13/11
Plaintiff's Pretrial Disclosures	11/27/11
Plaintiff's 30-day Trial Period Ends	1/11/12
Defendant's Pretrial Disclosures	1/26/12
Defendant's 30-day Trial Period Ends	3/11/12
Plaintiff's Rebuttal Disclosures	3/26/12
Plaintiff's 15-day Rebuttal Period Ends	4/25/12

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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 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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