

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

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Mailed: September 10, 2012

Opposition Nos. 91190931
91193565
91195675

Ipswitch, Inc.

v.

Nero AG

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

On September 6, 2012, the parties filed stipulations to dismiss the opposition without prejudice in Opposition Nos. 91190931 and 91193565. Accordingly, Opposition Nos. 91190931 and 91193565 are dismissed without prejudice.

This proceeding is no longer consolidated, and remaining Opposition No. 91195675 will move forward.¹

In view of the narrowing of the issues in the formerly consolidated proceeding, the parties' stipulated motion filed August 9, 2012 in the consolidated proceeding is construed as seeking to reset testimony periods in Opposition No. 91195675, and is granted.² Trademark Rule

¹ No further papers should be filed in Opposition Nos. 91190931 and 91193565, which are terminated with this order.

² The parties should discuss whether opposer's August 27, 2012 notice of reliance, filed in the consolidated opposition outside

2.127(a). Any requested extension or suspension for settlement must be supported by a showing of good cause in the form of a settlement report.

Testimony periods are reset as follows:

| | |
|---------------------------------|------------|
| Plaintiff's 30-day Trial Period | |
| Ends | 10/13/2012 |
| Defendant's Pretrial | |
| Disclosures | 10/28/2012 |
| Defendant's 30-day Trial Period | |
| Ends | 12/12/2012 |
| Plaintiff's Rebuttal | |
| Disclosures | 12/27/2012 |
| Plaintiff's 15-day Rebuttal | |
| Period Ends | 1/26/2013 |

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.

opposer's testimony period as reset, must be re-filed in Opposition No. 91195675 or will be accepted as timely filed. If the latter, the parties must file the stipulation with the Board.