

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: August 6, 2003

Cancellation No. 92/032,901

SCHRAMSBERG VINEYARDS COMPANY

v.

RICHARD U. HEPPLER

Andrew P. Baxley, Interlocutory Attorney:

On May 29, 2003, the Board issued an order which included, among other things, a notice of default under Fed. R. Civ. P. 55(a). Respondent's consented motions (filed May 9, 2003) to reopen respondent's time to answer and the discovery period ("the May 9, 2003 motions") subsequently became associated with the proceeding file.

In view thereof, the notice of default is hereby vacated;¹ the May 9, 2003 motions are hereby granted.

Respondent's consented motions (filed June 30, 2003) to extend time to answer and to extend discovery and trial dates ("the June 30, 2003 motions") are noted. In view of the numerous consented motions to extend that respondent has filed in this proceeding, the Board presumes that the parties are negotiating for a possible settlement of this case.

¹ The May 29, 2003 order otherwise stands as put.

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Accordingly, proceedings herein are suspended, retroactive to June 30, 2003, until **six months** from the mailing date of this action, subject to the right of either party to request resumption at any time.² See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations within the next six months, the Board will issue an order resuming proceedings and resetting the time for respondent to file an answer or other response to the petition to cancel as well as a brief discovery period. If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

² Accordingly, the June 30, 2003 motions are moot.