

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

Mailed: January 13, 2006

Opposition No. 92044455

Esprit IP Limited

v.

Von Schrader Company

Cheryl Butler, Attorney, Trademark Trial and Appeal Board

In an order dated January 10, 2006, the Board suspended proceedings for six months in order to accommodate settlement discussions. Inasmuch as the order suspending proceedings was issued automatically, applicant's pending motion for leave to amend its answer, affirmative defenses and counterclaim was not addressed.

Opposer has not yet filed an answer to applicant's counterclaim. Thus, applicant is seeking to amend its pleading as a matter of course. Accordingly, applicant's motion to amend its answer, affirmative defenses and counterclaim is granted, and such pleading is noted and entered. See Fed. R. Civ. P. 15(a); and TBMP §507.02 (2d ed. rev. 2004).

Proceedings otherwise remain suspended in accordance with the Board's January 10, 2006, which sets forth automatic

resumption dates, including the time for opposer to answer the counterclaim.¹

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¹ "If an answer has not been filed, the defendant is allowed until thirty days from the date of the resumption in which to file an answer." In this case, opposer is the counterclaim defendant, and such scheduling language is applicable to its answer to the counterclaim.