

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

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Mailed: July 28, 2006

Cancellation No.92045611

The Black & Decker
Corporation

v.

CUBIC CORPORATION

Peter Cataldo, Administrative Trademark Judge:

Applicant's response dated June 29, 2006, to the Board's order to show cause is noted.

On June 7, 2006, the Board issued an order to show cause for applicant's failure to file an answer or a motion to extend time to file an answer. In response, applicant has submitted a consented motion to set aside the notice of default.

Inasmuch as the opposer has consented, the order to show cause why default should not be entered is hereby discharged and the notice of default is set aside.

Additionally, the parties have requested a suspension of proceedings to allow the parties time to negotiate settlement. Because the parties are negotiating for possible settlement of this case, proceedings herein are suspended until six months from the mailing date of this order, subject to the right of

either party to request resumption at any time. See Trademark Rule 2.117(c).

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

Unless this matter is otherwise resolved, at the conclusion of the current suspension period, proceedings shall resume with out further order or notice of the Board upon the following schedule:

Proceedings Resume:	January 15, 2006
Answer Due:	February 14, 2007
Discovery Period to Close:	July 14, 2007
Plaintiff's 30-day testimony period to close:	October 12, 2007
Defendant's 30-day testimony period to close:	December 11, 2007
15-day rebuttal testimony period to close:	January 25, 2008

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.