

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

Mailed: September 2, 2009

Cancellation No. 92048039

The Ohio State University

v.

General Container Company,
L.L.C.

George C. Pologeorgis, Interlocutory Attorney:

On May 5, 2008, respondent filed a consented motion to suspend these proceedings for ninety days so that the parties may pursue settlement negotiations. By order dated May 5, 2008, the Board granted respondent's motion to suspend and noted that proceedings would resume without further order or notice by the Board upon the schedule set out in respondent's motion.

It has come to the Board's attention, however, that the proposed trial schedule submitted with respondent's consented motion to suspend did not incorporate the testimony dates for respondent as plaintiff in regard to its asserted counterclaim.

Accordingly, in order not to prejudice either party, the testimony periods for both parties are hereby reset as set forth below. Discovery, however, is closed.

Testimony period for plaintiff in the opposition to close: (opening thirty days prior thereto) 11/1/2009

Testimony period for defendant in the opposition and as plaintiff in the counterclaim to close: (opening thirty days prior thereto) 12/31/2009

Testimony period for defendant in the counterclaim and its rebuttal testimony as plaintiff in the opposition to close: (opening thirty days prior thereto) 3/1/2010

Rebuttal testimony period for plaintiff in the counterclaim to close: (opening fifteen days prior thereto) 4/15/2010

**Briefs shall be due as follows:
[See Trademark rule 2.128(a)(2)].**

Brief for plaintiff in the opposition shall be due: 6/14/2010

Brief for defendant in the opposition and as plaintiff in the counterclaim shall be due: 7/14/2010

Brief for defendant in the counterclaim and its reply brief (if any) as plaintiff in the opposition shall be due: 8/13/2010

Reply brief (if any) for plaintiff in the counterclaim shall be due: 8/28/2010

Finally, insamuch as petitioner's testimony period has already opened once under the prior trial schedule approved by the Board on May 5, 2008, any motions to compel or for summary judgement filed by either party will not be entertained by the Board since such motions would be deemed untimely. See Trademark Rules 2.120(e) and 2.127(e).