

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

Mailed: October 1, 2003

Opposition No. 91118919

STERLING SOFTWARE, INC.

v.

ATWOOD DANIEL COOL

Thomas W. Wellington
Interlocutory Attorney,
Trademark Trial and Appeal Board:

As reset by the Board on June 11, 2003, the deadline for filing an answer was scheduled for July 11, 2003.

On August 14, 2003, applicant filed its answer.

On August 27, 2003, and without having associated applicant's answer with the proceeding filed, the Board issued a notice of default in this proceeding which allowed applicant time to show cause why default judgment should not be entered against applicant for failure to file an answer.

On September 18, 2003, applicant filed a motion to suspend proceedings and reschedule the time for applicant to answer.

On September 19, 2003, applicant filed a response to the notice of default and asked the Board to disregard its September 18, 2003 paper. Based on the information provided by applicant in its response, the notice of default mailed on June 11, 2003, is hereby set aside. See Fed. R. Civ. P. 55; and TBMP § 317. The motion to suspend is considered withdrawn.

Applicant's answer (filed August 14, 2003) is noted and entered.

Discovery is open and the close of discovery and trial dates are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	January 20, 2004
30-day testimony period for party in position of plaintiff to close:	April 19, 2004
30-day testimony period for party in position of defendant to close:	June 18, 2004
15-day rebuttal testimony period for plaintiff to close:	August 2, 2004

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.