

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

tww

Mailed: February 3, 2003

Opposition No. 91152360

FAZOLI'S MANAGEMENT, INC.

v.

STEVEN SETTIPANI

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

On January 9, 2003, 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 January 24, 2003, applicant filed a response to the notice of default, including an answer to the notice of opposition. Based on the information provided by applicant in its response, the notice of default mailed on January 9, 2003, is hereby set aside. See Fed. R. Civ. P. 55; and TBMP § 317.

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

THE PERIOD FOR DISCOVERY TO CLOSE: April 8, 2003

30-day testimony period for party in

position of plaintiff to close:	July 7, 2003
30-day testimony period for party in position of defendant to close:	September 5, 2003
15-day rebuttal testimony period for plaintiff to close:	October 20, 2003

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.