

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

Baxley

Mailed: December 30, 2003

Opposition No. **91157646**

Maximus, Inc.

v.

William K. Dabaghi

**Andrew P. Baxley, Interlocutory Attorney:**

The amendment to allege use that applicant filed on December 17, 2002, i.e., prior to the approval of involved application Serial No. 76382915 for publication, in connection with that application is hereby approved.

Inasmuch as opposer does not appear to have filed a withdrawal of the opposition in accordance with the Board's October 14, 2003 order, the Board presumes that opposer wishes for the opposition to go forward based on the application as amended.

Accordingly, proceedings herein are resumed and applicant is allowed until **thirty days** from the mailing date of this order to file an answer to the notice of opposition.

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

DISCOVERY PERIOD TO CLOSE:

**5/7/04**

**Opposition No. 91157646**

Plaintiff's thirty-day testimony period to close: **8/5/04**

Defendant's thirty-day testimony period to close: **10/4/04**

Fifteen-day rebuttal testimony period to close: **11/18/04**

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.