

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

Mailed: September 24, 2004

Opposition No. 91160262

UMAC, INC

v.

UPSIDE SOFTWARE INC.

Shelley Jamison, Legal Assistant

On September 7, 2004, applicant filed an answer to the opposition and a counterclaim to cancel opposer's pleaded registration(s). Applicant filed the proper fee.

Opposer and counterclaim defendant, UMAC, INC., is allowed until **THIRTY DAYS** from the mailing date of this order to file an answer to the counterclaim. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below. 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.

THE PERIOD FOR DISCOVERY TO CLOSE:
30-day testimony period for party

DECEMBER 1, 2004

in position of plaintiff in the
opposition to close:

MARCH 1, 2005

30-day testimony period for party
in position of defendant in
the opposition and plaintiff in
the counterclaim to close:

APRIL 30, 2005

30-day rebuttal testimony period
for plaintiff in the opposition and
defendant in the counterclaim
to close:

JUNE 29, 2005

15-day rebuttal testimony period for
plaintiff in the counterclaim to
close:

AUGUST 13, 2005

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

Brief for plaintiff in the
opposition shall be due:

OCTOBER 12, 2005

Brief for defendant in the
opposition and plaintiff in
the counterclaim shall be due:

NOVEMBER 11, 2005

Brief for defendant in the
counterclaim and reply brief,
if any, for plaintiff in the
opposition shall be due:

DECEMBER 11, 2005

Reply brief, if any, for
plaintiff in the counterclaim
shall be due:

DECEMBER 26, 2005

If the parties stipulate to any extension of these dates,
the papers should be filed in triplicate and should set forth
the dates in the format shown in this order. See Trademark
Rule 2.121(d).

An oral hearing will be set only upon request filed as
provided by Trademark Rule 2.129.

