

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

Mailed: May 1, 2007

Opposition No. **91167219**

CYI, Inc.

v.

Gary Ahlert

Cheryl Goodman, Interlocutory Attorney:

In response to the Board's order dated February 1, 2007, applicant has filed a paper advising that it did not receive the original communication from opposer that generated the Board's order and seeking all future correspondence of the parties be sent by a "recognized carrier requiring signatures." Applicant also requests a street address so that it can send papers by UPS or federal express.

It is noted that both parties have filed papers in this proceeding in the form of letters with an indication of "cc:" to the other party.

The parties are advised that in accordance with Trademark Rule 2.119, all filings with the Board must include a certificate of service. The inclusion of such certificate is accepted as prima facie proof of service. Any papers filed with the Board which do not include the

certificate of service will not be considered. Trademark Rule 2.119. All future papers that are filed should be in the proper form as set forth in TBMP Section 106 (2d ed. rev. 2004).

To the extent that applicant seeks a requirement from the Board that the parties provide filings by certified or express mail, applicant's request is denied at this time.

The street address for sending express mail is as follows:

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

Opposer's motion, filed February 26, 2007, to reopen is granted as conceded.¹

Discovery and trial dates are reset as follows:

DISCOVERY PERIOD TO CLOSE:	August 2, 2007
30-day testimony period for party in position of plaintiff to close:	October 31, 2007
30-day testimony period for party in position of defendant to close:	December 30, 2007
15-day rebuttal testimony period for party in position of plaintiff to close:	February 13, 2008

¹ Opposer's motion was accompanied by a certificate of service indicating service on applicant on February 26, 2007. This is accepted as prima facie proof of service on applicant. See Trademark Rule 2.119(a).

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.