

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

Baxley

Mailed: June 20, 2006

Opposition No. **91169216**

The Gates Corporation

v.

Brand X-treme, Inc.

Andrew P. Baxley, Interlocutory Attorney:

Applicant's motion (filed May 5, 2006) to accept its late-filed answer is hereby granted as conceded. See Trademark Rule 2.127(a). Applicant's concurrently filed answer is accepted and made of record.

In view of the late filing of applicant's answer, the Board, in exercising its inherent authority to control the scheduling of cases on its docket, finds that it is appropriate to reset the closing date of the discovery period to account for applicant's delay in filing its answer.

Accordingly, discovery and trial dates are reset as follows.

DISCOVERY PERIOD TO CLOSE: **10/13/2006**

Plaintiff's 30-day testimony period to close: **1/11/2007**

Defendant's 30-day testimony period to close: **3/12/2007**

Plaintiff's 15-day rebuttal testimony period to close: **4/26/2007**

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.