

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

Baxley

Mailed: April 18, 2007

Opposition No. 91169227

Mi Casa Real Estate Co.

v.

Gelt Industries, Inc. and P &
R Investment Group, Inc.
(joined as a party defendant)

Andrew P. Baxley, Interlocutory Attorney:

On December 22, 2006, the Board issued an order suspending this proceeding in view of the withdrawal of Gelt Industries, Inc.'s ("Gelt") attorney. Applicant was allowed time in which to appoint a new attorney or to state that applicant would represent itself.

In response thereto, Gelt's assignee, P & R Investment Group, Inc. ("P & R"), who is represented by Gelt's former attorney, filed a combined entry of appearance of its attorney and motion to substitute P & R as the party defendant herein.

However, inasmuch as the involved application was assigned after the commencement of this case and there is no indication that Gelt no longer exists, joinder, rather than substitution, of P & R is appropriate. See TBMP Section 512.01 (2d ed. rev. 2004). Accordingly, the motion to

substitute P & R as party defendant is denied; P & R is hereby joined as a party defendant herein.

Proceedings herein are resumed. Under the circumstances, the Board deems it appropriate to reopen the discovery period for the limited purpose of allowing opposer to take discovery regarding the assignment of the involved application. Accordingly, the discovery period is reopened for that limited purpose, but otherwise remains closed. Discovery and testimony periods are reset as follows.

PLAINTIFF'S DISCOVERY PERIOD TO
CLOSE: **6/29/07**

Plaintiff's 30-day testimony period to close: **9/27/07**

Defendant's 30-day testimony period to close: **11/26/07**

Plaintiff's 15-day rebuttal testimony period to
close: **1/10/08**

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.