

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

Baxley

Mailed: January 21, 2009

Opposition No. **91176744**

DC Comics and Marvel  
Characters, Inc.

v.

Michael Craig Silver

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

Pursuant to footnote 4 of the Board's December 31, 2008 order, opposer filed a second amended notice of opposition on January 15, 2009. The second amended notice of opposition is hereby accepted as the operative complaint herein. Applicant is allowed until thirty days from the mailing date set forth in this order to file an answer to the second amended notice of opposition.

In view of the foregoing, discovery and testimony periods are reset as follows. See TBMP Section 310.03(c) (2d ed. rev. 2004).

DISCOVERY PERIOD TO CLOSE:	<b>February 24, 2009</b>
Plaintiff's 30-day testimony period to close:	<b>May 25, 2009</b>
Defendant's 30-day testimony period to close:	<b>July 24, 2009</b>
Plaintiff's 15-day rebuttal testimony period to close:	<b>September 7, 2009</b>

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.

If either of the parties or their attorneys should have a change of address, the Board should be so informed promptly.