

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

Mailed: March 20, 2009

Opposition No. 91177301

Cake Divas

v.

Charmaine V. Jones

**Frances S. Wolfson, Interlocutory Attorney:**

On March 19, 2009, at 3:00 pm eastern time, the Board convened a telephone conference to discuss opposer's request (filed March 4, 2009) for reconsideration of the Board's order (dated February 23, 2009) granting applicant's motion to strike opposer's motion for summary judgment as being untimely. Applicant orally responded to the motion during the phone conference. Conrad Katien, Esq. and Matthew D. Klafter, Esq. represented opposer. Karin Segall, Esq. and Dana C. Rundlof, Esq., represented applicant. Participating for the Board was the above referenced interlocutory attorney.

During the phone conference, the Board reviewed the procedural history of the case and heard the parties' arguments in connection with opposer's motion. For sake of efficiency, this order does not summarize the parties' arguments. Instead, after careful consideration of all

arguments and submissions, it is hereby determined that the Board did not err in reaching its decision to grant applicant's motion to strike opposer's motion for summary judgment. Accordingly, opposer's request for reconsideration is denied. See Trademark Rule 2.127(b); TBMP § 518 (2d ed. rev. 2004).

Trial dates are reset as indicated below.

DISCOVERY PERIOD TO CLOSE: **CLOSED**

30-day testimony period for party in the position of plaintiff to close: **April 24, 2009**

30-day testimony period for party in the position of the defendant to close: **June 23, 2009**

15-day rebuttal period for party in the position of the plaintiff to close: **August 7, 2009**

**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.