

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

Winter/vb

Mailed: April 24, 2009

Opposition No. 91188179

Zumba Fitness, LLC

v.

A. Hamid Andalib

BY THE TRADEMARK TRIAL AND APPEAL BOARD:

Voluntary Surrender of Registrations

On April 6, 2009, opposer/respondent, Zumba Fitness, LLC filed a voluntary surrender under Section 7(e) of the Trademark Act of its Registration Nos. 3046534 and 3359366, which are the registrations named in applicant/petitioner's counterclaim filed on February 2, 2009.

Trademark Rule 2.134(a) provides that if the respondent in a cancellation proceeding applies to cancel its involved registration under Section 7(e) without the written consent of every adverse party to the proceeding, judgment shall be entered against respondent.

In view thereof, and because applicant/petitioner's written consent to the voluntary surrender is not of record, judgment is hereby entered against opposer/respondent, the

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counterclaim is granted, and Registration Nos. 3046534 and 3359366 will be cancelled in due course.

Amended Notice of Opposition

Opposer's motion filed (April 5, 2009) to amend its notice of opposition is granted as conceded. See Fed. R. Civ. P. 15(a); and Trademark Rules 2.107(a) and 2.127(a). Applicant is allowed until **THIRTY DAYS** from the mailing date of this order in which to file an answer to the amended notice of opposition.

Withdrawal of Opposer's Counsel/Appearance of New Counsel

On April 9, 2009, opposer filed a stipulated substitution of counsel and appointment of new counsel, as well as a change in correspondence address. In view thereof, the substitution of counsel is granted and the Board has updated its records accordingly.

Trial Dates Reset

Discovery conference, discovery periods and trial dates are reset as follows:

Time to Answer	5/24/2009
Deadline for Discovery Conference	6/23/2009
Discovery Opens	6/23/2009
Initial Disclosures Due	7/23/2009
Expert Disclosures Due	11/20/2009
Discovery Closes	12/20/2009
Plaintiff's Pretrial Disclosures	2/3/2010
Plaintiff's 30-day Trial Period	
Ends	3/20/2010

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Defendant's Pretrial Disclosures	4/4/2010
Defendant's 30-day Trial Period	
Ends	5/19/2010
Plaintiff's Rebuttal Disclosures	6/3/2010
Plaintiff's 15-day Rebuttal Period	
Ends	7/3/2010

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. See Trademark Rule 2.125, 37 C.F.R. § 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b), 37 C.F.R. §§ 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129, 37 C.F.R. § 2.129.
