

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

Winter/kk

Mailed: October 21, 2009

Opposition No. 91190565

Knowledge Learning
Corporation

v.

Children's Learning Adventure
Licensing, LLC

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

Amended Notice of Opposition

On September 25, 2009, opposer filed a motion to amend its notice of opposition, along with its amended notice of opposition.¹ Applicant did not file a brief in opposition thereto but, instead, filed its answer to the amended notice of opposition and a counterclaim. Accordingly, leave to amend is granted as conceded. Trademark Rule 2.127(a). Opposer's amended notice of opposition is noted and is considered opposer's operative pleading in this proceeding.

¹ The Board presumes that opposer's September 25, 2009 submission supersedes opposer's amended notice of opposition filed on September 10, 2009, which filing was acceptable under Fed. R. Civ. P. 15(a) and Trademark Rule 2.107 inasmuch as an answer had not been previously filed.

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Answer and Counterclaim

As noted, on October 19, 2009, applicant filed an answer to the opposition and a counterclaim to cancel opposer's pleaded registration(s). Applicant filed the proper fee.

Opposer and counterclaim defendant, Knowledge Learning Corporation, is allowed until **FORTY DAYS** from the mailing date of this order to file an answer to the counterclaim. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

In accordance with the Trademark Rules of Practice, conferencing, disclosure, discovery and testimony period dates are reset as indicated below.

Answer to Counterclaim Due	November 30, 2009
Deadline for Discovery Conference	December 30, 2009
Discovery Opens	December 30, 2009
Initial Disclosures Due	January 29, 2010
Expert Disclosures Due	May 29, 2010
Discovery Closes	June 28, 2010
Plaintiff's Pretrial Disclosures	August 12, 2010
30-day testimony period for plaintiff's testimony to close	September 26, 2010
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	October 11, 2010
30-day testimony period for defendant and plaintiff in the counterclaim to close	November 25, 2010
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	December 10, 2010
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	January 24, 2011
Counterclaim Plaintiff's Rebuttal Disclosures Due	February 8, 2011

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15-day rebuttal period for plaintiff in the counterclaim to close	March 10, 2011
Brief for plaintiff due	May 9, 2011
Brief for defendant and plaintiff in the counterclaim due	June 8, 2011
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	July 8, 2011
Reply brief, if any, for plaintiff in the counterclaim due	July 23, 2011

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.

If the parties stipulate to any extension of these dates, the filing should set forth the dates in the format shown in this order. See Trademark Rule 2.121(d).

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

