

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

RK/cv

Mailed: January 25, 2012

Opposition No. **91201703**

Michael Brandt Family Trust  
d/b/a Eco-Safe Industries,  
Inc.

v.

Istituto Italiano Sicurezza  
dei Giocattoli S.r.l.

**Yong Oh (Richard) Kim, Interlocutory Attorney:**

On December 22, 2011, applicant filed a motion to dismiss the opposition under Fed. R. Civ. P. 12(b)(6). On January 11, 2012, opposer filed an amended notice of opposition along with a response to the motion to dismiss.

Pursuant to Fed. R. Civ. P. 15(a)(1)(B), a party may amend its pleading once as a matter of course within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier," if the pleading is one to which a responsive pleading is required. As the amended complaint was filed within the time allowed under Rule 15, the amended notice of opposition is **ACCEPTED** and is now the operative pleading herein.

In view thereof, applicant's motion to dismiss is **MOOT** and will be given no further consideration. Dates are **RESET** as follows, including applicant's time to answer the amended complaint:

Time to Answer	2/24/2012
Deadline for Discovery Conference	3/25/2012
Discovery Opens	3/25/2012
Initial Disclosures Due	4/24/2012
Expert Disclosures Due	8/22/2012
Discovery Closes	9/21/2012
Plaintiff's Pretrial Disclosures Due	11/5/2012
Plaintiff's 30-day Trial Period Ends	12/20/2012
Defendant's Pretrial Disclosures Due	1/4/2013
Defendant's 30-day Trial Period Ends	2/18/2013
Plaintiff's Rebuttal Disclosures Due	3/5/2013
Plaintiff's 15-day Rebuttal Period Ends	4/4/2013

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 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.

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