

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

RK

Mailed: February 3, 2012

Opposition No. 91201995

Mendias & Milton, LLC

v.

Fitfast, LLC.

Yong Oh (Richard) Kim, Interlocutory Attorney:

Opposer's motion for default judgment (filed November 28, 2011) and opposer's notice regarding its motion for default judgment (filed November 29, 2011) are noted.

The Board's institution order of October 11, 2011, set the time for answer as November 20, 2011. Applicant filed its answer on November 21, 2011. As November 20, 2011, fell on a Sunday, applicant's filing of its answer on the following Monday is timely. See Trademark Rule 2.196.

In view thereof, opposer's motion is hereby **DENIED**. As it appears that the parties have not prosecuted this matter pending disposition of opposer's motion for default,¹ dates are reset as follows:

Deadline for Discovery Conference	3/5/2012
Discovery Opens	3/5/2012
Initial Disclosures Due	4/4/2012

¹ As communicated by opposer's counsel Justin Welch on February 3, 2012.

Expert Disclosures Due	8/2/2012
Discovery Closes	9/1/2012
Plaintiff's Pretrial Disclosures Due	10/16/2012
Plaintiff's 30-day Trial Period Ends	11/30/2012
Defendant's Pretrial Disclosures Due	12/15/2012
Defendant's 30-day Trial Period Ends	1/29/2013
Plaintiff's Rebuttal Disclosures Due	2/13/2013
Plaintiff's 15-day Rebuttal Period Ends	3/15/2013

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 the 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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