

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

nmt/gcp

Mailed: June 15, 2012

Opposition No. 91204681

Entrepreneur Media, Inc.

v.

Alibaba Group Holding Limited

**George C. Pologeorgis,
Interlocutory Attorney:**

On April 11, 2012, the Board instituted this proceeding, and applicant filed its answer on May 21, 2012.

On June 11, 2012, applicant filed an amended answer and counterclaim to cancel opposer's pleaded Registration Nos. 1453968, 2263883, 2502032, 3519022, 3652950, 3266532, 3470064, 3204899, and 3924374.

A party to an *inter partes* proceeding before the Board may amend its pleading once as a matter of course within 21 days after service of a responsive pleading. See Fed. R. Civ. P. 15(a)(1)(B); TBMP Section 507.02 (3d ed. 2011).

Although applicant filed its motion to amend its answer, as a matter of course, within the time prescriptions provided under Fed. R. Civ. P. 15(a), the counterclaim to cancel opposer's pleaded Registration Nos. 1453968, 2263883, 2502032, 3519022, 3652950, 3266532, 3470064, 3204899, and

3924374 will not be considered because the proper fee has not been paid. See Trademark Rules 2.106(b)(2) and 2.111. The motion to amend is granted, however, to the extent that applicant's amended answer, and corresponding affirmative defenses, is noted and accepted and is now the operative pleading in this case. The motion to amend is otherwise denied with regard to the asserted counterclaims for failure to pay proper fees in connection therewith.

Inasmuch as the deadline for the parties' required discovery conference is imminent, conferencing, disclosure, discovery and testimony periods are reset as follows:

Deadline for Discovery Conference	7/5/2012
Discovery Opens	7/5/2012
Initial Disclosures Due	8/4/2012
Expert Disclosures Due	12/2/2012
Discovery Closes	1/1/2013
Plaintiff's Pretrial Disclosures	2/15/2013
Plaintiff's 30-day Trial Period Ends	4/1/2013
Defendant's Pretrial Disclosures	4/16/2013
Defendant's 30-day Trial Period Ends	5/31/2013
Plaintiff's Rebuttal Disclosures	6/15/2013
Plaintiff's 15-day Rebuttal Period Ends	7/15/2013

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 taking of testimony. Trademark Rule 2.125.

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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.