

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Scott

Mailed: March 29, 2002

Cancellation No.92040156

OXYGEN MEDIA, INC

v.

PROJECT OXYGEN, LTD.

James Scott Legal Assistant

The notice instituting this proceeding and a copy of the petition to cancel were forwarded to registrant in error. The correspondence should have been mailed to the domestic counsel of the registrant. Registrant has assigned Lucille P Nichols of Darby & Darby P.C. at 805 Third Avenue 27th Floor New York New York 10022-7513

Accordingly, the above notice, with enclosure, is remailed as indicated above.

Registrant is allowed until forty days from the mailing date of this order in which to inform this Office of its correct address in order that all records may be amended. Compliance with Patent and Trademark Rule 1.4(c) and Trademark 2.119(a) is required.

If there has been any transfer of interest in the involved registration, registrant must so advise the Board and registrant

must submit copies of the appropriate documents. See Section 10 of the Trademark Act and Patent and Trademark Rules 3.71 and 3.73.

In view of the circumstances, the time for filing an answer to the petition to cancel is extended to forty days from the mailing date of this order. Any discovery requests or notices served that remain unanswered as of the mailing date of this order must be reserved in accordance with the rules, unless otherwise agreed to by the parties.

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below. 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.

Discovery period to close:	October 15, 2002
Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto)	January 13, 2003
Testimony period for party in position of defendant to close: (opening thirty days prior thereto)	March 14, 2003
Rebuttal testimony period to close: (opening fifteen days prior thereto)	April 28, 2003

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.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.