

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: February 27, 2003

Cancellation No. 92040459

DRAKE ELVGREN, JOHN T.
DILLARD AND LOUIS

v.

VANCAS, J. DANIEL

David Mermelstein, Attorney:

This proceeding was instituted and trial dates set by order of the Board dated April 8, 2002. Pursuant to that trial schedule, petitioner's 30-day opening testimony period closed on January 23, 2003.

Now before the Board is petitioner's motion for summary judgment, filed January 16, 2003. Because petitioner's motion was filed after the commencement of the first testimony period, it is DENIED as untimely. Trademark Rule 2.127(e).

All dates remain as previously set.

***By the Trademark Trial
and Appeal Board***