

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

Baez

Mailed: January 14, 2004

Cancellation No. 92042333

Malcolm & Co. LLC

v.

Craddock-Terry, Inc.

Vionette Baez, Paralegal

The Board inadvertently forwarded the notice instituting this proceeding and a copy of the petition to cancel that was intended for registrant to an incorrect address. The error is regretted.

Accordingly, the above notice, with enclosure, is remailed to registrant at the correct address: **601 Twelfth Street, P.O. Box 10088, Lynchburg, VA 24506.**

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 herein, 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 reset 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:	August 1, 2004
30-day testimony period for party in position of plaintiff to close:	October 30, 2004
30-day testimony period for party in position of defendant to close:	December 29, 2004
15-day rebuttal testimony period to close:	February 12, 2005

Briefs shall be filed in accordance with Trademark Rule 1.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.¹

cc:

W. Alan Smith, Jr., Esq.
P.O. Box 957
Lynchburg, VA 24505

¹ Petitioner's October 31, 2003 motion for entry of judgment by default is noted.