

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

Mailed: April 3, 2006

Cancellation No. 92043152
Cancellation No. 92043160
Cancellation No. 92043175

ARTURO SANTANA GALLEGO

v.

SANTANA'S GRILL, INC.

Cindy B. Greenbaum, Attorney:

It has come to the Board's attention that the Board's March 28, 2006 computer generated order (#31 in TTABVUE) is internally inconsistent. On the one hand, the order grants petitioner's consented motion to extend discovery and trial dates (#30 in TTABUVE, filed March 28, 2006) such that discovery closes on May 30, 2006.¹ On the other hand, the order states that discovery is closed, and that petitioner's testimony period closes on May 30, 2006.

Entry #30 refers to "attached emails," which apparently have been entered separately, as entry #32 in TTABUVE. Thus, while entry #30 refers to the parties' need for an extension for "discovery, motions and to restart petitioner's

¹ The Board notes that petitioner's testimony period closes on March 30, 2006, pursuant to the October 27, 2005 Board order, and not on March 31, 2006, as petitioner's March 28, 2006 filings state.

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testimony period, as a result of a sudden change of counsel by Registrant," entry #32 does not refer to the need for discovery, and focuses instead on the need to extend testimony to allow respondent time to appoint new counsel.

In view of the foregoing, the March 28, 2006 Board order is clarified as follows: Discovery remains closed. The parties are to follow the trial schedule set forth in the March 28, 2006 Board order.

In addition, before plaintiff's testimony period opens, respondent must inform the Board whether it has appointed new counsel, or whether it intends to represent itself in this matter.²

² Notwithstanding the foregoing, Frederick Beretta and the law firm of Knobbe Martens, et al., remain the attorneys of record, unless and until the Board receives and grants, counsel's motion to withdraw, or either respondent's new counsel files an appearance, or respondent indicates that it intends to represent itself and provides a new correspondence address.