

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

DUNN
Mailed: March 9, 2006

Cancellation No. 92044883

Meier's Wine Cellars, Inc.

v.

Meyer Intellectual
Properties Limited

Elizabeth A. Dunn, Attorney:

On November 25, 2005, petitioner filed a motion to amend its pleading to clarify that Registration No. 2799507 issued on the Supplemental Register, and not on the Principal Register as inadvertently alleged in the original petition to cancel.¹ No response thereto has been received from respondent.

Accordingly, the motion to amend is hereby granted as conceded. See Trademark Rules 2.127(a). The amended petition to cancel filed November 23, 2005 is the operative pleading in this proceeding.

The stipulated protective agreement filed on December 13, 2005 is noted. The parties are referred, as appropriate, to TBMP §§ 412.03 (Signature of Protective Order), 412.04

¹ The delay in acting upon this matter is regretted. Proceedings are considered to have been suspended with the filing of the motion to amend.

(Filing Confidential Materials With Board), 412.05 (Handling of Confidential Materials by Board).

The parties are advised that only confidential or trade secret information should be filed pursuant to a stipulated protective agreement. Such an agreement may not be used as a means of circumventing paragraphs (d) and (e) of 37 CFR § 2.27, which provide, in essence, that the file of a published application or issued registration, and all proceedings relating thereto, should otherwise be available for public inspection.

Proceedings herein are resumed and respondent is allowed until thirty days from the mailing date of this order to file an answer to the amended petition to cancel.

Discovery is open and the close of discovery and trial dates are set as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	September 1, 2006
30-day testimony period for party in position of plaintiff to close:	November 30, 2006
30-day testimony period for party in position of defendant to close:	January 29, 2007
15-day rebuttal testimony period to close:	March 15, 2007
