

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

Baxley

Mailed: September 19, 2007

Cancellation No. 92047546

J & D Brush Co., Inc.

v.

Export Depot USA CORP

Andrew P. Baxley, Interlocutory Attorney:

Petitioner's motion (filed August 2, 2007) to strike respondent's answer because it was filed by a person who is ineligible to practice before the USPTO is granted as conceded. See Trademark Rule 2.127(a). Respondent's answer is stricken.

In view of respondent's response to the petition to cancel, it is clear that respondent intends to defend the petition to cancel. Accordingly, respondent is allowed until thirty days from the mailing date set forth in the caption of this order to file a proper answer. See Fed. R. Civ. P. 8(b); TBMP Section 311 (2d ed. rev. 2004).

Discovery and testimony periods are reset as follows.

DISCOVERY PERIOD TO CLOSE:

January 22, 2008

30-day testimony period for party
in position of plaintiff to close:

April 21, 2008

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30-day testimony period for party
in position of defendant to close:

June 20, 2008

15-day rebuttal testimony period to close:

August 4, 2008

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.

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.