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

Mailed: July 17, 2008

Cancellation No. 92048699

Lester H.Schweiss

v.

Family Watchdog LLC

By the Board:

On May 30, 2008, the Board, in considering respondent's motion to dismiss, found petitioner's priority and likelihood of confusion ground sufficiently pled, but deemed the fraud claim insufficient. The Board allowed petitioner time to file an amended petition to cancel which properly alleged a claim of fraud, failing which, the claim would be dismissed.

Petitioner has not filed an amended petition to cancel in the time allotted therefor.

In view thereof, respondent's motion to dismiss is granted with respect to the fraud claim, and the fraud claim is dismissed from the petition to cancel. The cancellation will go forward on the priority and likelihood of confusion ground only.

Proceedings are resumed.

Applicant is allowed until THIRTY DAYS from the mailing date of this order to file its answer to the petition to cancel.

The discovery conference, disclosures, discovery and trial dates are reset as follows:

Time to Answer	**8/14/08**
Deadline for Discovery Conference	**9/13/08**
Discovery Opens	**9/13/08**
Initial Disclosures Due	**10/13/08**
Expert Disclosures Due	**2/10/09**
Discovery Closes	**3/12/09**
Plaintiff's Pretrial Disclosures	**4/26/09**
Plaintiff's 30-day Trial Period Ends	**6/10/09**
Defendant's Pretrial Disclosures	**6/25/09**
Defendant's 30-day Trial Period Ends	**8/9/09**
Plaintiff's Rebuttal Disclosures	**8/24/09**
Plaintiff's 15-day Rebuttal Period Ends	**9/23/09**

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.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.