

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

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Mailed: October 21, 2008

Cancellation No. 92049367

Quantum, Inc.

v.

Phytos, Inc.

On May 19, 2008, the Board forwarded to the parties the institution notice and a copy of the petition to cancel registration no. 1538900. On July 14, 2008, the Board issued a notice of default for registrant's failure to file an answer in this proceeding and on September 17, 2008, the Board granted the petition to cancel.

It has come to the Board's attention that the notices were forwarded to registrant's attorney instead of being served directly on the registrant in this proceeding.

Accordingly, the Board's orders issued September 17, 2008 and July 14, 2008 are vacated. Additionally, the institution notice and a copy of the petition to cancel are remailed directly to respondent.

If the respondent desires to be represented by counsel in this proceeding, a power of attorney to that effect may be filed, or respondent's chosen counsel may simply make an appearance pursuant to Trademark Rule 2.196. Respondent's copy of communications from the Board will be sent directly to respondent until counsel is appointed or makes an appearance on behalf of respondent. See Trademark Rule 2.119(d).

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 set 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.

Time to Answer	11/30/08
Deadline for Discovery Conference	12/30/08
Discovery Opens	12/30/08
Initial Disclosures Due	1/29/09
Expert Disclosures Due	5/29/09
Discovery Closes	6/28/09
Plaintiff's Pretrial Disclosures	8/12/09
Plaintiff's 30-day Trial Period Ends	9/26/09
Defendant's Pretrial Disclosures	10/11/09
Defendant's 30-day Trial Period Ends	11/25/09
Plaintiff's Rebuttal Disclosures	12/10/09
Plaintiff's 15-day Rebuttal Period Ends	1/9/10

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..

***By the Trademark Trial
and Appeal Board***