

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

MBA

Mailed: February 23, 2010

Cancellation No. 92049560

Ted Gibson & Company, Inc.

v.

Silkience Holdings Inc. (by
assignment from DM Personal
Care Products, Inc.)

By the Board:

Pursuant to the Board's order of September 21, 2009, petitioner was allowed until January 14, 2010 to respond to respondent's motion to substitute Silkience Holdings Inc. for DM Personal Care Products, Inc. as respondent, and for relief from final judgment under Fed. R. Civ. P. 60(b). Petitioner failed to respond to the motion within the time provided or thereafter.

Accordingly, it is presumed that the parties have not settled this proceeding, which is hereby **RESUMED**. Respondent's motion to substitute and for relief from final judgment is granted, in its entirety, as conceded. Trademark Rule 2.127(a). Silkience Holdings Inc. is hereby substituted as respondent and the caption of this proceeding

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is amended accordingly, to reflect that the subject registration was assigned to Silkience Holdings Inc., as recorded with the Office at Reel 3903, Frame 0342. The judgment is hereby set aside and the Board's order of September 29, 2008 is hereby **VACATED**. Respondent's [proposed] answer to the petition for cancellation is accepted and is now respondent's operative pleading herein. Discovery, disclosure, trial and other dates are reset as follows:

Deadline for Discovery Conference	March 24, 2010
Discovery Opens	March 24, 2010
Initial Disclosures Due	April 23, 2010
Expert Disclosures Due	August 21, 2010
Discovery Closes	September 20, 2010
Plaintiff's Pretrial Disclosures	November 4, 2010
Plaintiff's 30-day Trial Period Ends	December 19, 2010
Defendant's Pretrial Disclosures	January 3, 2011
Defendant's 30-day Trial Period Ends	February 17, 2011
Plaintiff's Rebuttal Disclosures	March 4, 2011
Plaintiff's 15-day Rebuttal Period Ends	April 3, 2011

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.

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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.
