

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

Mailed: June 17, 2009

Cancellation No. 92050856

COLOR IMAGE APPAREL, INC.

v.

BONNIE A BLIMEGGER-BENEDETTO

**Amy Matelski, Paralegal Specialist**

On June 17, 2009 the Board entered a notice of default against registrant for failure to file an answer or a motion to further extend its time to answer.

On June 17, 2009 registrant filed a response to the notice of default stating that the petition to cancel was never received.<sup>1</sup> Registrant also filed, on June 17, 2009, a change of address. The notice of default is hereby set aside.

Accordingly, the notice instituting this proceeding and a copy of the petition to cancel is remailed.

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<sup>1</sup> Registrant's communication does not indicate proof of service of a copy of same on counsel for petitioner as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said communication is forwarded herewith to petitioner, but strict compliance with Trademark Rule 2.119 is required in all further papers filed with the Board.

If there has been any transfer of interest in the involved registration, registrant must so advise the Board and registrant must submit copies of the appropriate documents. See Section 10 of the Trademark Act and Patent and Trademark Rules 3.71 and 3.73.

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.

In accordance with the Trademark Rules of Practice, the close of discovery and testimony dates are reset as indicated below.

Time to Answer	7/27/09
Deadline for Discovery Conference	8/26/09
Discovery Opens	8/26/09
Initial Disclosures Due	9/25/09
Expert Disclosures Due	1/23/10
Discovery Closes	2/22/10
Plaintiff's Pretrial Disclosures	4/8/10
Plaintiff's 30-day Trial Period Ends	5/23/10
Defendant's Pretrial Disclosures	6/7/10
Defendant's 30-day Trial Period Ends	7/22/10
Plaintiff's Rebuttal Disclosures	8/6/10
Plaintiff's 15-day Rebuttal Period Ends	9/5/10

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.

**NEWS FROM THE TTAB:**

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>  
[http://www.uspto.gov/web/offices/com/sol/notices/72fr42242\\_FinalRuleChart.pdf](http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf)

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>