

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

Mailed: May 11, 2010

Cancellation No. 92052038

Speednet, LLC

v.

KeyOn Communications, Inc.

Andrew P. Baxley, Interlocutory Attorney:

On March 24, 2010, the Board issued an order wherein, among other things, it allowed petitioner thirty days in which to file a second amended petition to cancel in which it sets forth legally sufficient abandonment and fraud claims, failing which this proceeding will go forward only on petitioner's pleaded claim under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). No second amended petition to cancel is of record.

Accordingly, proceedings herein are resumed with petitioner's first amended petition to cancel as the operative complaint herein. The Board *sua sponte* strikes paragraphs 8-14 from the first amended petition to cancel. See Fed. R. Civ. P. 12(f); TBMP Section 506.01 (2d ed. rev. 2004). Dates herein are reset as follows.

Time to Answer	6/9/10
Deadline for Discovery Conference	7/9/10
Discovery Opens	7/9/10

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Initial Disclosures Due	8/8/10
Expert Disclosures Due	12/6/10
Discovery Closes	1/5/11
Plaintiff's Pretrial Disclosures	2/19/11
Plaintiff's 30-day Trial Period Ends	4/5/11
Defendant's Pretrial Disclosures	4/20/11
Defendant's 30-day Trial Period Ends	6/4/11
Plaintiff's Rebuttal Disclosures	6/19/11
Plaintiff's 15-day Rebuttal Period Ends	7/19/11

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.

If either of the parties or their attorneys should have a change of address, the Board should be so informed promptly.

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