

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

am

Mailed: September 24, 2010

Cancellation No. 92052260

Steven Westlake

v.

Edgar Alexander Barrera

Cheryl S. Goodman, Interlocutory Attorney:

In the parties' discovery conference of July 27, 2010, with Board participation, it was suggested by the Board that petitioner may wish to amend his pleading to clarify the nature of his claims. The parties' filing of August 13, 2010, includes a stipulation indicating that petitioner seeks leave to amend the petition, which motion was granted by automated Board order on August 13, 2010.

On September 17, 2010, petitioner filed such an amended pleading setting forth his claims as fraud and Section 2(a) false suggestion of a connection. In view of the parties' stipulation, the amended petition is accepted. Applicant is allowed until October 12, 2010 to

file an answer to the amended petition to cancel.

Additionally, the parties' August 13, 2010 stipulation was filed as a consented motion to extend dates via ESTTA.

However, the discovery and trial schedule includes dates that have already passed e.g., the discovery conference.

The parties are advised that consented ESTTA motions cannot be used to extend dates until after the parties have served their initial disclosures. Such a motion can only be filed by a general form motion drafted by one of the parties.

The Board presumes the parties intended to extend the initial disclosure dates in view of their stipulation regarding the amended petition to cancel. Accordingly, the Board shall reset the dates to extend the time for filing the initial disclosures taking into account the time for applicant to answer the amended petition to cancel.

Dates in this proceeding are reset as follows:

Initial Disclosures Due	11/11/10
Expert Disclosures Due	3/11/11
Discovery Closes	4/10/11
Plaintiff's Pretrial Disclosures	5/25/11
Plaintiff's 30-day Trial Period Ends	7/9/11
Defendant's Pretrial Disclosures	7/24/11
Defendant's 30-day Trial Period Ends	9/7/11
Plaintiff's Rebuttal Disclosures	9/22/11
Plaintiff's 15-day Rebuttal Period Ends	10/22/11

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.