

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

Mailed: July 16, 2010

Cancellation No. 92052447

Smash Men's, Inc.

v.

Radames Rosado and  
Zulma I. Crespo

**ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:**

The Board notes that on June 24, 2010, respondents filed an unconsented motion to extend (reopen<sup>1</sup>) the time to file their answer; that on July 6, 2010, respondents, through counsel,<sup>2</sup> filed their answer in response to the petition for cancellation; and that the answer includes proof of service of the answer on petitioner's counsel. Petitioner has not filed a response in regard to respondent's motion, nor has it objected to the late filing of the answer.

---

<sup>1</sup> When an act is to be done within a specified time, the Court may "upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect." See Fed. R. Civ. P. 6(b); and Trademark Rule 2.116(a).

<sup>2</sup> The Board notes the appearance of Anthony M. Verna III on behalf of respondents.

**Cancellation No. 92052447**

In view of the foregoing, respondents' motion to reopen the time to file an answer is granted as conceded under Trademark Rule 2.127(a); respondent's technical default is hereby discharged; and respondents' answer is accepted as their pleading of record. See Fed. R. Civ. P. 55(c); *Paolo's Associates Limited Partnership v. Paolo Bodo*, 21 USPQ2d 1899, 1902 (Comm'r 1990). See also TBMP § 312.02 (2d ed. rev. 2004).

In view of the foregoing, trial dates, including conferencing and disclosure dates, are reset as indicated below:

Deadline for <b>Discovery Conference</b> <sup>3</sup>	8/5/2010
Discovery Opens	8/5/2010
Initial Disclosures Due	9/4/2010
Expert Disclosures Due	1/2/2011
Discovery Closes	2/1/2011
Plaintiff's Pretrial Disclosures	3/18/2011
Plaintiff's 30-day Trial Period Ends	5/2/2011
Defendant's Pretrial Disclosures	5/17/2011
Defendant's 30-day Trial Period Ends	7/1/2011
Plaintiff's Rebuttal Disclosures	7/16/2011
Plaintiff's 15-day Rebuttal Period Ends	8/15/2011

---

<sup>3</sup> Respondents' counsel has requested Board participation in the parties' mandatory discovery conference. The parties should contact the assigned Interlocutory Attorney to schedule the conference.

**Cancellation No. 92052447**

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.

\*\*\*