

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

MBA/tdc

Mailed: December 8, 2011

Cancellation No. 92053424

ProThera, Inc.

v.

World Nutrition, Inc.

Michael B. Adlin, Interlocutory Attorney:

Respondent's motion to reopen discovery, filed November 2, 2011, is hereby granted as conceded, because petitioner failed to respond thereto. Trademark Rule 2.127(a).¹

Accordingly, discovery is reopened and discovery, disclosure, trial and other dates are reset as indicated below:

| | |
|---|-----------|
| Discovery Closes | 2/7/2012 |
| Plaintiff's Pretrial Disclosures | 3/23/2012 |
| Plaintiff's 30-day Trial Period Ends | 5/7/2012 |
| Defendant's Pretrial Disclosures | 5/22/2012 |
| Defendant's 30-day Trial Period Ends | 7/6/2012 |
| Plaintiff's Rebuttal Disclosures | 7/21/2012 |
| Plaintiff's 15-day Rebuttal Period Ends | 8/20/2012 |

¹ Respondent's claim of "excusable neglect" is highly questionable at best, and even if petitioner fails to respond to a similar motion in the future, the Board may exercise its discretion to not grant the motion as conceded. If petitioner is not meeting its obligations, respondent should review the Trademark Rules and TBMP for its options.

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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 taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.
