

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

Mailed: September 13, 2011

Cancellation No. 92053542

Troegs Brewing Company

v.

Fegley Enterprises, Inc.

Cheryl S. Goodman, Interlocutory Attorney:

Respondent's motion to amend its answer and assert a counterclaim, filed July 28, 2011, is granted as conceded. However, a review of the pleading shows that the fraud claim lacks an allegation of petitioner's intent to deceive the Office. *DaimlerChrysler Corp. v. American Motors Corp.*, 94 USPQ2d 1086, 1088-89 (TTAB 2010).

In view thereof, respondent is allowed until September 22, 2011 to file an amended counterclaim. Petitioner is allowed until October 12, 2011 to file its answer thereto.

Dates in this proceeding are reset as follows:

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|--|-------------------|
| Expert Disclosures Due | October 31, 2011 |
| Discovery Closes | November 30, 2011 |
| Plaintiff's Pretrial Disclosures | January 14, 2012 |
| 30-day testimony period for plaintiff's testimony to close | February 28, 2012 |
| Defendant/Counterclaim Plaintiff's Pretrial Disclosures | March 14, 2012 |

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| 30-day testimony period for defendant and plaintiff in the counterclaim to close | April 28, 2012 |
| Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due | May 13, 2012 |
| 30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close | June 27, 2012 |
| Counterclaim Plaintiff's Rebuttal Disclosures Due | July 12, 2012 |
| 15-day rebuttal period for plaintiff in the counterclaim to close | August 11, 2012 |
| Brief for plaintiff due | October 10, 2012 |
| Brief for defendant and plaintiff in the counterclaim due | November 9, 2012 |
| Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due | December 9, 2012 |
| Reply brief, if any, for plaintiff in the counterclaim due | December 24, 2012 |

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.

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.