

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

RK

Mailed: May 9, 2011

Cancellation No. **92053547**

VER Sales, Inc.

v.

Full Throttle Films, Inc.

Yong Oh (Richard) Kim, Interlocutory Attorney:

On March 4, 2011, respondent filed a motion to dismiss the cancellation under Fed. R. Civ. P. 12(b)(6). On March 21, 2011, petitioner filed an amended petition for cancellation.

Pursuant to Fed. R. Civ. P. 15(a)(1)(B), a party may amend its pleading once as a matter of course within, "if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." As the amended complaint was filed within the time allowed under Rule 15, the amended petition for cancellation is **ACCEPTED** and is now the operative pleading herein.

In view thereof, respondent's motion to dismiss the originally filed complaint is **MOOT** and will be given no further consideration. Dates are reset as follows:

Time to Answer	6/8/2011
Deadline for Discovery Conference	7/8/2011
Discovery Opens	7/8/2011
Initial Disclosures Due	8/7/2011
Expert Disclosures Due	12/5/2011
Discovery Closes	1/4/2012
Plaintiff's Pretrial Disclosures Due	2/18/2012
Plaintiff's 30-day Trial Period Ends	4/3/2012
Defendant's Pretrial Disclosures Due	4/18/2012
Defendant's 30-day Trial Period Ends	6/2/2012
Plaintiff's Rebuttal Disclosures Due	6/17/2012
Plaintiff's 15-day Rebuttal Period Ends	7/17/2012

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 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.

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