

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

MBA

Mailed: September 23, 2011

Cancellation No. 92053622

UMG Recordings, Inc.

v.

Siggy Music, Inc.

Michael B. Adlin, Interlocutory Attorney:

This case now comes up for consideration of petitioner's motion, filed June 30, 2011, to dismiss respondent's fraud counterclaim for failure to state a claim upon which relief may be granted. On July 18, 2011, respondent filed a response to petitioner's motion and an amended answer and counterclaim as a matter of course under Fed. R. Civ. P. 15(a)(1)(B). The amended answer and counterclaim is hereby accepted and is now respondent's operative pleading herein.

Because petitioner's motion goes to the original counterclaim, which by this order has been superseded by the amended answer and counterclaim, petitioner's motion is denied as moot. Petitioner is allowed until **October 24, 2011** to file an answer or otherwise move with respect to the amended counterclaim. Disclosure, conferencing, discovery, trial and other dates are reset as follows:

Answer to Counterclaim Due

October 24, 2011

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Deadline for Discovery Conference	November 23, 2011
Discovery Opens	November 23, 2011
Initial Disclosures Due	December 23, 2011
Expert Disclosures Due	April 21, 2012
Discovery Closes	May 21, 2012
Plaintiff's Pretrial Disclosures	July 5, 2012
30-day testimony period for plaintiff's testimony to close	August 19, 2012
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	September 3, 2012
30-day testimony period for defendant and plaintiff in the counterclaim to close	October 18, 2012
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	November 2, 2012
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	December 17, 2012
Counterclaim Plaintiff's Rebuttal Disclosures Due	January 1, 2013
15-day rebuttal period for plaintiff in the counterclaim to close	January 31, 2013
Brief for plaintiff due	April 1, 2013
Brief for defendant and plaintiff in the counterclaim due	May 1, 2013
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	May 31, 2013
Reply brief, if any, for plaintiff in the counterclaim due	June 15, 2013

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.

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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.
