

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

RK

Mailed: December 7, 2011

Cancellation No. **92054617**

Nouvelle Parfumerie Gandour

v.

Y.Z.Y., INC.

Yong Oh (Richard) Kim, Interlocutory Attorney:

On November 17, 2011, applicant filed an unconsented motion to extend its time to file an answer to the petition to cancel and to reset subsequent deadlines. On December 2, 2011, the Board paralegal granted the motion mistakenly construing the motion as consented. In view thereof, that order is **VACATED** and applicant's motion is considered as follows.

As the basis for its motion, applicant contends that it has yet to receive service of the petition and argues that it "has no obligation to respond to the pleading until and unless it has been served." *Applicant's Motion*, p. 2. Considering that the petition contains two separate certificates of service and in the interest of expediting matters, applicant's motion is **GRANTED** and applicant is

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directed to Entry #1 at

<http://ttabvueint.uspto.gov/ttabvue/v?pno=92054617&pty=CAN&eno=5>

to view and/or print out a copy of the petition to cancel.

Dates are reset as follows:

Time to Answer	1/15/2012
Deadline for Discovery Conference	2/14/2012
Discovery Opens	2/14/2012
Initial Disclosures Due	3/15/2012
Expert Disclosures Due	7/13/2012
Discovery Closes	8/12/2012
Plaintiff's Pretrial Disclosures Due	9/26/2012
Plaintiff's 30-day Trial Period Ends	11/10/2012
Defendant's Pretrial Disclosures Due	11/25/2012
Defendant's 30-day Trial Period Ends	1/9/2013
Plaintiff's Rebuttal Disclosures Due	1/24/2013
Plaintiff's 15-day Rebuttal Period Ends	2/23/2013

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 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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