

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

Mailed: July 3, 2013

Cancellation No. 92057122

Neways, Inc.

v.

New Whey Nutrition, LLC

**Karl Kochersperger, Paralegal Specialist:**

Respondent's consented motion to extend its time to answer filed June 10, 2013 is granted. Petitioner's motion to amend proof of service of petition to cancel filed June 14, 2013 is noted.

On June 12, 2013, respondent filed an answer to the petition to cancel and a counterclaim to cancel petitioner's pleaded registration(s). Respondent filed the proper fee.

Petitioner and counterclaim defendant, Neways, Inc., is allowed until **THIRTY DAYS** from the mailing date of this order to file an answer to the counterclaim. See Trademark Rules 2.114(b)(2)(iii) and 2.121(b)(2).

In accordance with the Trademark Rules of Practice, conferencing, disclosure, discovery and testimony period dates are reset as indicated below. 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.

Answer to Counterclaim Due	8/2/2013
Deadline for Discovery Conference	9/1/2013
Discovery Opens	9/1/2013
Initial Disclosures Due	10/1/2013
Expert Disclosures Due	1/29/2014
Discovery Closes	2/28/2014
Plaintiff's Pretrial Disclosures	4/14/2014
30-day testimony period for plaintiff's testimony to close	5/29/2014
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	6/13/2014
30-day testimony period for defendant and plaintiff in the counterclaim to close	7/28/2014
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	8/12/2014
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	9/26/2014
Counterclaim Plaintiff's Rebuttal Disclosures Due	10/11/2014
15-day rebuttal period for plaintiff in the counterclaim to close	11/10/2014
Brief for plaintiff due	1/9/2015
Brief for defendant and plaintiff in the counterclaim due	2/8/2015
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	3/10/2015
Reply brief, if any, for plaintiff in the counterclaim due	3/25/2015

If the parties stipulate to any extension of these dates, the filing should set forth the dates in the format shown in this order. See Trademark Rule 2.121(d).

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