

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

Mailed: November 14, 2013

Cancellation No. 92057297

Cortex USA, Inc.

v.

Cortex, Inc.

Andrew P. Baxley, Interlocutory Attorney:

On August 29, 2013, i.e., between the deadline for the parties' discovery conference and the due date for initial disclosures under the schedule set forth in the Board notice instituting this proceeding, petitioner filed an electronic form consented motion to suspend for settlement negotiations, which the Board granted in an electronic form order on that day. The first date in the schedule set forth in petitioner's motion was not the due date for initial disclosures, but was instead the due date for expert disclosures.¹

Because the first date on the schedule in this case following the resumption of proceedings herein on October

¹ Petitioner's attorney contacted the Board attorney assigned to this case by telephone on November 12, 2013 and indicated that respondent's attorney was not returning telephone calls in connection with this case. During said telephone conversation, the Board attorney noted that the schedule set forth in the August 28, 2013 motion to suspend is incorrect.

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29, 2013 should have been the deadline for initial disclosures, dates herein are reset as follows:

Initial Disclosures Due	11/28/2013
Expert Disclosures Due	3/28/2014
Discovery Closes	4/27/2014
Plaintiff's Pretrial Disclosures Due	6/11/2014
Plaintiff's 30-day Trial Period Ends	7/26/2014
Defendant's Pretrial Disclosures Due	8/10/2014
Defendant's 30-day Trial Period Ends	9/24/2014
Plaintiff's Rebuttal Disclosures Due	10/9/2014
Plaintiff's 15-day Rebuttal Period Ends	11/8/2014

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.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If either of the parties or their attorneys should have a change of address, the Board should be so informed promptly.