

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

Tdc

Mailed: October 25, 2013

Cancellation No. 92057634

JunkFood Clothing Company

v.

Pak's Trading Europe B.V.

Tyrone Craven, Lead Paralegal Specialist:

On July 31, 2013, petitioner served its notice of petition to cancel. On August 4, 2013, petitioner filed an amended petition to cancel. It has come to the Board's attention that ESTTA, the Board's electronic system, granted registrant's¹ September 11, 2013 and September 25, 2013 motions to extend time, before an opportunity arose for consideration of petitioner's amended petition to cancel.²

Pursuant to Fed. R. Civ. P. 15(a)(1), made applicable to Board proceedings by Trademark Rule 2.116(a), a party may amend its pleading once as a matter of course within 21 days after serving it, or if the pleading is one to which a

¹ Registrant's change of address filed September 11, 2013 is noted. The Board records have been updated to reflect this change.

² The Board apologizes for the delay in acting on this matter.

responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Fed. R. Civ. P. 12(b), (e) or (f), whichever is earlier.

Said amended petition to cancel was filed as a matter of course, and is accepted as petitioner's operative pleading in this proceeding. See Fed. R. Civ. P. 15(a)(1)(A) and (B); *see also* Trademark Rules 2.107 and 2.115.

Accordingly, registrant is allowed until **November 10, 2013** in which to file an answer to the amended petition to cancel. Conferencing, discovery and trial dates remain as set out in registrant's September 25, 2013 motion.

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 Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.