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UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: April 26, 2016

Cancellation No. 92063552 – 76485312

LeMans Corporation

v.

LeMar X. Lewis

Amy Matelski, Paralegal Specialist:

On April 18, 2016, Petitioner served its petition to cancel. On April 21, 2016, Petitioner filed an amended petition to cancel.

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 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. *See* Trademark Rule 2.107/2.115; TBMP § 507.01. However, as a practical matter, because the time to answer set by the Board's institution order is 40 days, a plaintiff may amend its complaint once as a matter of course beyond the initial 21 days from serving it until the defendant files either an answer or a motion under Fed. R. Civ. P. 12(b), (e) or (f). *See* TBMP § 507.02.

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Petitioner's 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).

Respondent is allowed until June 6, 2016 in which to file an answer to the amended petition to cancel.

Accordingly, conferencing, discovery and trial dates are reset as follows:

Time to Answer	**6/6/2016**
Deadline for Discovery Conference	**7/6/2016**
Discovery Opens	**7/6/2016**
Initial Disclosures Due	**8/5/2016**
Expert Disclosures Due	**12/3/2016**
Discovery Closes	**1/2/2017**
Plaintiff's Pretrial Disclosures	**2/16/2017**
Plaintiff's 30-day Trial Period Ends	**4/2/2017**
Defendant's Pretrial Disclosures	**4/17/2017**
Defendant's 30-day Trial Period Ends	**6/1/2017**
Plaintiff's Rebuttal Disclosures	**6/16/2017**
Plaintiff's 15-day Rebuttal Period Ends	**7/16/2017**

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.

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