

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: October 3, 2016

Cancellation No. 92064181

*Andrew R. Flanders*

*v.*

*DiMarzio, Inc.*

**Nicole Thier, Paralegal Specialist:**

On September 9, 2016, Respondent filed a motion to dismiss for failure to state a claim. On September 29, 2016, Petitioner filed its response to the motion to dismiss and its first amended petition to cancel.<sup>1</sup>

Inasmuch as Petitioner's amended petition to cancel corrects the defects noted by the Respondent in its motion to dismiss, the amended petition to cancel is accepted and made the operative pleading. *See* TBMP § 503.03.

Accordingly, Respondent's answer is due November 12, 2016. The conference, disclosures, discovery and trial dates are reset as indicated below.

Time to Answer	<b>11/12/2016</b>
Deadline for Discovery Conference	<b>12/12/2016</b>
Discovery Opens	<b>12/12/2016</b>
Initial Disclosures Due	<b>1/11/2017</b>
Expert Disclosures Due	<b>5/11/2017</b>
Discovery Closes	<b>6/10/2017</b>
Plaintiff's Pretrial Disclosures	<b>7/25/2017</b>

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<sup>1</sup> Petitioner's filing of the amended pleading renders the motion to dismiss as moot.

Plaintiff's 30-day Trial Period Ends	<b>9/8/2017</b>
Defendant's Pretrial Disclosures	<b>9/23/2017</b>
Defendant's 30-day Trial Period Ends	<b>11/7/2017</b>
Plaintiff's Rebuttal Disclosures	<b>11/22/2017</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>12/22/2017</b>

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.