

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: December 14, 2005

Concurrent Use No. 94002124

Woodstock's Enterprises, Inc.
(Oregon)

v.

Woodstock's Pizza, LLC

To: NANCY J. MORIARTY
CHERNOFF VILHAUER MCCLUNG & STENZEL LLP
1600 ODS TOWER 601 SW SECOND AVENUE
PORTLAND, OR 97204

Re: Serial No.: 76199098
Filed: January 23, 2001

Amy Matelski, Paralegal Specialist

The Board's notice instituting this proceeding was returned as undeliverable to registrant. In view thereof, the institution order is hereby remailed.

A concurrent use proceeding involving your above-identified application is hereby instituted under the provisions of Section 2(d) of the Trademark Act of 1946. The proceeding will be conducted in accordance with the Rules of Practice in Trademark Cases, as set out in Title 37 of the Code of Federal Regulations.

Woodstock's Pizza, LLC, the registrant referred to in your application, is being notified on this date of the institution of the concurrent use proceeding and is being supplied with a copy of your application, in accordance with the provisions of Rule 2.99. As the owner of a registration no. 2425957, Woodstock's Pizza, LLC is not required to file an answer but may do so under Rule 2.99. The Trademark Trial and Appeal Board has set forty days from the mailing date above as the due date for any such answer.

You are requested to advise the Board of any relevant applications or registrations, other than those already

referenced herein, which should be included in this concurrent use proceeding. Your response, if any, should be in writing and must be filed on or before **40 days from the mailing date above.**

DISCOVERY AND TESTIMONY PERIODS ARE SET 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. Rule 2.125.

Discovery to open:	January 3, 2006
Discovery to close:	July 2, 2006
Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto)	September 30, 2006
Testimony period for party in position of defendant to close: (opening thirty days prior thereto)	November 29, 2006
Rebuttal testimony period to close: (opening fifteen days prior thereto)	January 13, 2007

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

CC:

Woodstock's Pizza, LLC
1010 Turquoise St. Suite 205
San Diego, CA 92109