

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: December 5, 2003

Opposition No. 91157596

HERBAN AVENUES, L.L.C.

v.

HerbanCowboy.com, Inc.

Helen Johnson, Legal Assistant

On October 14, 2003, applicant filed an answer to the opposition and a counterclaim to cancel opposer's pleaded registration(s). Applicant filed the proper fee.

Opposer and counterclaim defendant, Herban Avenues, L.L.C., is allowed until **THIRTY DAYS** from the mailing date of this order to file an answer to the counterclaim. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates 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. Trademark Rule 2.125.

THE PERIOD FOR DISCOVERY TO CLOSE: 3/21/04

30-day testimony period for party
in position of plaintiff in the
opposition to close: 6/19/04

30-day testimony period for party
in position of defendant in
the opposition and plaintiff in
the counterclaim to close: 8/18/04

30-day rebuttal testimony period
for plaintiff in the opposition and
defendant in the counterclaim
to close: 10/17/04

15-day rebuttal testimony period for
plaintiff in the counterclaim to
close: 12/1/04

**Briefs shall be due as follows:
[See Trademark Rule 2.128(a)(2)].**

Brief for plaintiff in the
opposition shall be due: 1/30/05

Brief for defendant in the
opposition and plaintiff in
the counterclaim shall be due: 3/1/05

Brief for defendant in the
counterclaim and reply brief,
if any, for plaintiff in the
opposition shall be due: 3/31/05

Reply brief, if any, for
plaintiff in the counterclaim
shall be due: 4/15/05

If the parties stipulate to any extension of these dates,
the papers should be filed in triplicate and should set forth
the dates in the format shown in this order. See Trademark
Rule 2.121(d).

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.