

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: August 12, 2004

Opposition No. **91159784**

Chesebrough-Pond's Inc. and
Conopco, Inc. d/b/a Unilever

v.

Laurie Q. Porter

Andrew P. Baxley, Interlocutory Attorney:

On August 6, 2004, the Board noted that applicant's answer herein was apparently filed sixty days late and allowed applicant until thirty days therefrom to show cause why judgment by default should not be entered against her. Applicant's consented motion (filed April 24, 2004) to extend time to respond to the notice of opposition subsequently became associated with the proceeding file.¹

A review of the consented motion to extend indicates that it includes a stamped postcard indicating receipt by the USPTO mailroom, but that the caption thereof includes an incorrect proceeding number. The Board presumes that the

¹ Applicant's attorney transmitted a copy of the consented motion to extend time to answer by facsimile on August 9, 2004. Although, in view of the circumstances, the Board will consider the consented motion, the parties are advised that any further papers that are filed in this proceeding by facsimile without prior approval from the Board will receive no consideration. See Trademark Rule 2.195(d)(3).

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consented motion did not become associated with the proceeding file because of the incorrect proceeding number in the caption.

However, the consented motion is hereby granted. Applicant's answer is hereby accepted and made of record. The notice of default is set aside.

In view of the confusion surrounding the consented motion, the Board deems it appropriate to reset discovery and trial dates herein. Those dates are hereby reset as follows.

DISCOVERY PERIOD TO CLOSE:	12/3/04
Plaintiff's thirty-day testimony period to close:	3/3/05
Defendant's thirty-day testimony period to close:	5/2/05
Plaintiff's fifteen-day rebuttal period to close	6/16/05

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.

