

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

Smt

Mailed: October 4, 2004

Cancellation No. 91162041

ROLEX WATCH U.S.A., INC.,

v.

Diastar, Inc.

**Sandra Thompson, Legal Assistant**

The Board inadvertently forwarded the notice instituting this proceeding and a copy of the notice of opposition that was intended for plaintiff to the correct attorney and address. The error is regretted.

Accordingly, the above notice, with enclosure, is remailed to plaintiff at the attorney and correct address: Kathleen E. McCarthy Morgan & Finnegan, LLP 3 World Financial Center New York, NY 10281-2101.

If there has been any transfer of interest in the involved registration, registrant must so advise the Board and registrant must submit copies of the appropriate documents. See Section 10 of the Trademark Act and Patent and Trademark Rules 3.71 and 3.73.

In view of the circumstances herein, the time for filing an answer to the petition to cancel is extended to forty days from the mailing date of this order. Any discovery requests or notices served that remain unanswered as of the mailing date of this order must be reserved in accordance with the rules, unless otherwise agreed to by the parties.

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.

Discovery period to open:	<b>10/24/04</b>
Discovery period to close:	<b>04/22/04</b>
30-day testimony period for party in position of plaintiff to close:	<b>07/21/05</b>
30-day testimony period for party in position of defendant to close:	<b>09/19/05</b>
15-day rebuttal testimony period to close:	<b>11/03/05</b>

Briefs shall be filed in accordance with Trademark Rule 1.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

