

UNITED STATES PATENT AND TRADEMARK
OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mail date: April 15, 2005

Opposition No. 91163708

Hunter Fan Company

v.

FPI Fireplace Products
International, Inc.

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

Notice instituting this proceeding was sent out by the Board in an order dated January 7, 2005. Applicant's answer was due by February 16, 2005.¹ On February 16, 2005, opposer filed an amended notice of opposition.

A party to an *inter partes* proceeding before the Board may amend its pleading once as a matter of course at any time before a responsive pleading is served. See Fed. R. Civ. P. 15(a); and TBMP §507.02 (2nd ed. rev. 2004).

Inasmuch as applicant's answer to the original notice of opposition crossed in the mail with opposer's amended notice of opposition, opposer's amended notice of opposition is noted and entered. Applicant is allowed until **thirty days** from the mailing date of this order to file an answer to the amended notice of opposition.

¹ Applicant's answer, received February 22, 2005, being accompanied by a certificate of mailing dated February 16, 2005 is considered timely. See Trademark Rule 2.197.

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In view of the delay occasioned in considering this matter, discovery and trial dates are reset as indicated below:

THE PERIOD FOR DISCOVERY TO CLOSE:	September 26, 2005
30-day testimony period for party in position of plaintiff to close:	December 25, 2005
30-day testimony period for party in position of defendant to close:	February 23, 2006
15-day rebuttal testimony period to close:	April 9, 2006

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.

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.
