

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

Mail date: May 29, 2003

Cancellation No. 32,901

Schramsberg Vineyards Company

v.

Richard U. Heppler

Cheryl Butler, Interlocutory Attorney

On February 24, 2003, the Board approved respondent's consented motion, filed November 15, 2002, to extend his time to answer until February 10, 2003, and to extend discovery and trial dates. Respondent's consented motion, filed February 21, 2003, to further extend his time to answer until March 20, 2003, and to further extend discovery and trial dates, crossed in the mail with the Board's order of February 24, 2003.

Respondent's February 21, 2003 motion is granted, and respondent's answer was due on March 20, 2003. No answer has been associated with the proceeding file. On March 24, 2003, respondent filed a consented motion to extend discovery and trial dates only. (That is, no request was made to further extend respondent's time to answer.)

Cancellation No. 32,901

Respondent's consented motion to extend discovery and trial dates, filed March 24, 2003, is granted. By the motion, discovery was set to close on April 28, 2003.

However, inasmuch as no answer has been associated with the proceeding file, nor has respondent filed a further motion to extend its time to answer, notice of default is hereby entered against respondent under Fed. R. Civ. P. 55(a).

Respondent is allowed until **thirty days** from the mailing date of this order to show cause why judgment by default should not be entered against respondent in accordance with Fed. R. Civ. P. 55(b).

Proceedings are otherwise suspended. Upon resumption, the Board will reset testimony dates.

