

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

Baxley

Mailed: April 25, 2005

Cancellation No. **92032958**

TANGO CHIX PRODUCTIONS, INC.

v.

OLIVE INDUSTRIES, LTD.

Cancellation No. **92043001**

Cancellation No. **92043008**

OLIVE INDUSTRIES, LTD.

v.

TANGO CHIX PRODUCTIONS, INC.

**By the Trademark Trial and Appeal Board:**

On February 17, 2005, the Board sent a notice of default to Tango Chix Productions, Inc. with regard to Cancellation Nos. 92043001 and 92043008 because no answers to Olive Industries, Ltd.'s amended petitions to cancel in those proceedings are of record.

The Board notes, however, that the motion for leave to file amended petitions to cancel in Cancellation Nos. 92043001 and 92043008 that Olive filed on November 4, 2004 did not include a copy of the proposed amended petition to cancel in Cancellation No. 92043001.<sup>1</sup> Accordingly, the notice of

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<sup>1</sup> Throughout the motion for leave to file amended petitions to cancel, petitioner indicated that the amended petition to cancel

**Cancellation Nos. 92032958, 92043001, and 92043008**

default that was issued to ("Tango Chix") in Cancellation No. 92043001 on February 17, 2005 for failure to file an answer to the amended petition to cancel in that proceeding is hereby vacated. The Board's December 14, 2004 order is hereby modified to the extent that Tango Chix is allowed until thirty days from the mailing date of this order to file an answer to the amended petition to cancel in Cancellation No. 92043001.

However, because the record shows no response to the notice of default, judgment by default is hereby entered against Tango Chix in Cancellation No. 92043008, the petition to cancel in Cancellation No. 92043008 is granted, and Registration No. 2807709 will be cancelled in due course. See Fed. R. Civ. P. 55, and Trademark Rule 2.114(a).

Discovery and trial dates are reset as follows.

THE PERIOD FOR DISCOVERY TO CLOSE:	6/10/05
30-day testimony period for Tango Chix as plaintiff in Cancellation No. 92032958 to close:	9/8/05

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in Cancellation Nos. 92043001 and 92043008 had been filed therewith. However, a review of such motion indicates that it included only the amended petition to cancel in Cancellation No. 92043008. The Board apologizes for the delay in addressing this matter.

At the request of the Board attorney assigned to these consolidated proceedings, Olive's attorney transmitted by facsimile to the Board a copy of the amended petition to cancel in Cancellation No. 92043001 on April 22, 2005. A review of the amended petition to cancel indicates that it includes prima facie proof of service upon Tango Chix. See Trademark Rule 2.119(a).

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30-day testimony period for Olive as defendant in Cancellation No. 92032958 and as plaintiff in Cancellation No. 92043001 to close: 11/7/05

30-day testimony period for Tango Chix as defendant in Cancellation No. 92043001 and its rebuttal testimony as plaintiff in Cancellation No. 92032958 to close: 1/6/06

Rebuttal testimony period for Olive in Cancellation No. 92043001 to close: 2/20/06

**Briefs shall be due as follows:**

[See Trademark rule 2.128(a)(2)].

Brief for Tango Chix as plaintiff in Cancellation No. 92032958 shall be due: 4/21/06

Brief for Olive as defendant in Cancellation No. 92032958 and as plaintiff in Cancellation No. 92043001 shall be due: 5/21/06

Brief for Tango Chix as defendant in Cancellation No. 92043001 and its reply brief (if any) as plaintiff in Cancellation No. 92032958 shall be due: 6/20/06

Reply brief (if any) for Olive as plaintiff in the Cancellation No. 92043001 shall be due: 7/5/06