

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

Mailed: August 19, 2003

Cancellation No. 40,292

HOODLUM WELDING HOODS

v.

TOMASSETTI, PETER C.

**Thomas W. Wellington  
Interlocutory Attorney,  
Trademark Trial and Appeal Board:**

This order is in response to a communication filed by respondent on June 26, 2003,<sup>1</sup> and a communication filed by petitioner on July 31, 2003.

In the former communication, respondent notes that the Board incorrectly referred to this proceeding in its June 19, 2003 order as an "opposition" in the caption, instead of "cancellation." The Board regrets the typographical error. Respondent also argues that the discovery deadline and trial dates should not have been reset and "this cancellation proceeding really should be over."

In the latter communication, petitioner requests the Board to order respondent to serve a copy of pictures that

**Cancellation No. 40,292**

are referenced in respondent's March 22, 2003 answer. Specifically, the Board notes that respondent states in his answer that "[t]he Mark has been and is presently in use, IC 025. Please see enclosed pictures of Registrant's mark as in actual use today on wearing apparel." However, the Board's copy of respondent's answer does not contain any attached pictures.

In view of the above and in response to both papers filed by the parties, the Board orders the following:

1. The discovery deadline and trial dates remain as set forth in the Board's June 19, 2003 order.
2. Respondent is allowed until ten (10) days from the mailing date of this order to file with the Board a copy of any attachments that were filed with respondent's March 22, 2003 answer, failing which the record will remain as consisting of respondent's answer without attached pictures.

\* \* \*

---

<sup>1</sup> Respondent's appointment of counsel, filed on June 26, 2003, is noted and entered.