

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

Mailed: April 7, 2003

Cancellation No 41,403

Kickz AG

v.

MIDDLETON, SCOTT D.

The Board inadvertently forwarded the notice instituting this proceeding and a copy of the petition to cancel that was intended for registrant to an incorrect address. The error is regretted.

Accordingly, the above notice, with enclosure, is remailed to registrant at the correct address: **Scott D. Middleton, c/o #200 - 114th Street & 40th Avenue, Edmonton, Alberta, T6J 040, Canada.**

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 close: October 17, 2003

Testimony period for party in
Position of plaintiff to close
(opening thirty days prior thereto): January 15, 2004

Testimony period for party in
Position of defendant to close
(opening thirty days prior thereto): March 15, 2004

Rebuttal testimony period to close
(opening fifteen days prior thereto): April 29, 2004

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.

Karl Kochersperger, Paralegal