

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

cv

**Mailed: July 11, 2011**

**Cancellation No. 92041710**

Gustafson, LLC

v.

Circle One International,  
Inc. and Smart World  
Organics, Inc., joined as  
party defendants

**Cancellation No. 92043663**

Circle One International,  
Inc. and Smart World  
Organics, Inc., joined as  
party defendants

v.

Gustafson, LLC

**Cheryl Butler, Attorney, Trademark Trial and Appeal Board:**

Circle One International, Inc.'s ("defendant")  
consented motion, filed June 28, 2011, to extend rebuttal  
testimony periods is granted. Trademark Rule 2.127(a).

The rebuttal testimony is reset in accordance with  
defendant's motion and as modified below:

30-day testimony period for Gustafson as defendant in  
Cancellation No. 92043663  
and its rebuttal testimony as plaintiff in Cancellation  
No. 92041710 to close:

11/26/2011

Cancellation Nos. 92041710 and 92043663

Rebuttal testimony period for Circle One International  
& Smart World Organics as plaintiffs in the  
Cancellation No. 92043663 to close: 1/10/2012

**Briefs shall be due as follows:  
[See Trademark rule 2.128(a)(2)].**

Brief for Gustafson as plaintiff in Cancellation No.  
92041710 shall be due: 3/10/2012

Brief for Circle One International & Smart World  
Organics as defendants in Cancellation No. 92041710  
and as  
plaintiffs in Cancellation No. 92043663 shall be due: 4/9/2012

Brief for Gustafson as defendant in Cancellation No.  
92043663 and its reply  
brief (if any) as plaintiff in Cancellation No. 92041710  
shall be due: 5/9/2012

Reply brief (if any) for Circle One International &  
Smart World Organics as plaintiffs in  
Cancellation No. 92043663 shall be due: 5/24/2012

Additionally, the Board notes that the parties have sought numerous extensions of time since the parent proceeding commenced in 2003. Thus, in the event the parties seek any further extensions of time or suspension of proceedings, the parties must provide a detailed report on the progress of their settlement negotiations to establish good cause for any continued suspension. Their report must include a recitation of issues that have been resolved, a recitation of issues that remain to be resolved, and firm timetable for resolution.

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**Absent such a report, any future motion to extend or suspend may not be approved, even though agreed to by the parties.**

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.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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