

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

Baxley

Mailed: March 8, 2004

Cancellation No. 92041770

Gustafson, L.L.C.

v.

Shirlo, Inc.

Andrew P. Baxley, Interlocutory Attorney:

The suspension period having expired, proceedings herein are resumed.¹ Respondent is allowed until **thirty days** from the mailing date of this order to file an answer to the notice of opposition.

Discovery is open and the close of discovery and trial dates are set as follows:

DISCOVERY PERIOD TO CLOSE:	7/9/04
Plaintiff's thirty-day testimony period to close:	10/7/04
Defendant's thirty-day testimony period to close:	12/6/04
Plaintiff's fifteen-day rebuttal period to close	1/20/05

¹ On January 22, 2004, respondent requested by e-mail that proceedings herein remain suspended through March 28, 2004. Although the request states that a motion is attached thereto, no such motion was included therewith. Accordingly, that request does not constitute a proper motion. See Trademark Rule 2.127(a). Further, the request does not include proof of service upon petitioner. See Trademark Rules 2.119(a). Accordingly, the request cannot be considered.

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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.