

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

**Mailed: May 13, 2004**

**Cancellation No. 92041886**

**WILBUR CHOCOLATE CO., INC.**

**v.**

**TRIPLE-C-INC.**

***Rochelle Ricks, Paralegal Specialist:***

The notice instituting this proceeding and a copy of the petition to cancel were forwarded to registrant but were returned by the Postal Service as undeliverable.

Petitioner's counsel advised the Office on November 14, 2003 that service upon registrant could be affected and would be accepted when documents are mailed as follows:

Rachel Gourmet Snacks, Inc.  
8120 Penn Avenue South, Suite 140  
Bloomington, MN 55431.

Accordingly, the above notice, with enclosure, is remained as indicated above.

Registrant is allowed until **FORTY DAYS** from the mailing date of this order in which to inform this Office of its correct address in order that all records may be amended. Compliance with Trademark Rule 2.193(b) and Trademark 2.119(a) is required.

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, 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:	<b>11/23/04</b>
30-day testimony period for party In position of plaintiff to close:	<b>2/21/05</b>
30-day testimony period for party In position of defendant to close:	<b>4/22/05</b>
15-day rebuttal testimony period to close:	<b>6/6/05</b>

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.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.