

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

Mailed: March 18, 2004

Cancellation No. 92042722

Advance Food Company, Inc.

v.

McCain Foods USA, Inc.

David Mermelstein, Attorney:

"If at first you don't succeed..."

On February 17, 2004, after having been informed that the petition for cancellation and trial order were sent to the incorrect address, the Board vacated the institution order and reset respondent's time to answer. A copy of the petition for cancellation and trial order were intended to have been forwarded to respondent with the Board's February 17 order. Unfortunately, it appears that the appropriate documents were not enclosed with the Board's order.

Once again, respondent's time to answer is reset, and copies of the petition for cancellation and original trial order are enclosed herewith.¹ The Board regrets the error.

¹ As the Board has informed respondent's counsel, images of the petition for cancellation and trial order are available on the Web using TTABVue. While access is available from the Trademarks page of the USPTO web site (www.uspto.gov), TTABVue can be directly accessed at <http://ttabvue.uspto.gov>. The documents on TTABVue may be printed and downloaded free of charge, and are

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Respondent is allowed until FORTY DAYS from the date of this order in which to answer the petition for cancellation. Trial dates, including the close of discovery, are reset as follows:

DISCOVERY PERIOD TO CLOSE: **September 14, 2004**
Thirty-day testimony period for party in position of plaintiff to close: **December 13, 2004**
Thirty-day testimony period for party in position of defendant to close: **February 11, 2005**
Fifteen-day rebuttal testimony period to close: **March 28, 2005**

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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identical to the documents which are - or should be - enclosed herewith.