

TTAB

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

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Mailed: November 1, 2005

Registration No. 2849274, 2849275

Cancellation No. 92045082

LSI Logic Corporation

v.

BindKey Technologies

BindKey Technologies
3000 Scott Blvd Suite #107
Santa Clara, CA 95054

Peter P. Scott
LSI Logic Corporation
1621 Barber Lane MS D-106
Milpitas, CA 95035

Pauline Stewart, Legal Assistant

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.¹

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available at www.uspto.gov/web/offices/dcom/ttab/.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with

¹ Correction to the institution order date October 26, 2005 omitted reg. No. 2,849,275 and trial dates remain as set.



12-13-2005

Trademark Rule 2.126 may not be given consideration or entered into the case file.

A copy of every paper or communication filed by the registrant regarding this matter must be mailed to the person or persons named below.

ANSWER IS DUE FORTY DAYS after the mailing date hereof. (See Trademark Rule 2.126 for expiration date falling on Saturday, Sunday, or a holiday).

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 open: **November 15, 2005**

Discovery period to close: **May 14, 2006**

30-day testimony period for party in position of plaintiff to close: **August 12, 2006**

30-day testimony period for party in position of defendant to close: **October 11, 2006**

15-day rebuttal testimony period to close: **November 25, 2006**

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.

NOTE: This proceeding is subject to the pilot project on telephone disposition of interlocutory matters. See the Official Gazette notice titled "*Pilot Project on Telephone Disposition of Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board*," 1213 TMOG 151 (August 18, 1998). The notice is available at <http://www.uspto.gov>. Any interlocutory matter proposed for discussion or resolution during a Board approved phone conference may be decided adversely to any party which fails to participate.

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.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.