

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

dmd

Mailed: September 13, 2006

Cancellation No. 92045271

Wiscon Corp.

v.

Cantine Caputo S.p.A.

Jyll S. Taylor, Attorney:

In an order dated February 14, 2006, the Board denied counsel for respondent's motion to withdraw as attorney of record in this proceeding, allowed counsel time to perfect its withdrawal, and suspended this proceeding pending counsel's response.

On March 16, 2006, counsel for respondent withdrew its request to withdraw and indicated that it would remain as attorney of record for respondent. Respondent also requested that the Board resume proceedings. In view thereof, counsel remains of record on behalf of respondent.

Now before the Board is petitioner's motion for summary judgment, based on respondent's failure to respond to petitioner's requests, served January 30, 2006, for admissions that are now deemed admitted. However, inasmuch as the Board suspended this proceeding prior to the expiration

of respondent's time respond to the admission requests, and because the proceeding has yet to be resumed¹, petitioner's motion is premature. Accordingly, it will not be further considered.

All outstanding matters having been addressed, proceedings herein are resumed, The parties are allowed until **THIRTY DAYS** in which to serve responses to any outstanding discovery requests.

Trial dates, including the close of discovery, are reset as follows:

Discovery period to close:	02/13/07
Thirty-day testimony period for party in position of plaintiff to close:	05/14/07
Thirty-day testimony period for party in position of plaintiff to close:	07/13/07
Fifteen-day rebuttal testimony period to close:	08/27/07

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.

¹ The Board regrets any inconvenience to the parties caused by the delay in considering the outstanding matters.