

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

TDC

Mailed: August 15, 2007

Cancellation No. 92047833

MIOX Corporation

v.

Orica Australia Pty. Ltd.

Tyrone Craven, Paralegal Specialist:

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

This Office contacted Pillsbury Winthrop Shaw Pittman LLP. The Office was advised on August 14, 2007 that service upon registrant could be effected and would be accepted when documents are mailed as follows:

**Paul W. Kruse
Pillsbury Winthrop Shaw Pittman LLP
1650 Tysons Boulevard, 14th Floor
McLean, VA 22102-4859**

Accordingly, the above notice, with enclosure, is remailed 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.¹

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

¹ Simultaneously therewith, notice is hereby given that unless the registrant listed herein, its assigns or legal representatives, shall enter an appearance, answer or other response to the petition within the time frame allowed above, the cancellation will proceed as in the case of default.

within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Discovery period to close: **3/1/08**

30-day testimony period for party
in position of plaintiff to close: **5/30/08**

30-day testimony period for party
in position of defendant to close: **7/29/08**

15-day rebuttal testimony period
to close: **9/12/08**

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.