

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

GCP

Mailed: August 16, 2013

Cancellation No. 92057357

Premier Exhibition
Management LLC

v.

Cyrus Milanian

By the Trademark Trial and Appeal Board:

Answer was due in this case on July 28, 2013. In lieu of filing an answer, respondent filed a motion for judgment on the pleadings on July 19, 2013. Petitioner filed a timely response to the motion on August 6, 2013.

The Board notes, however, that a motion for judgment on the pleadings may only be filed after the pleadings are closed, but within such time as not to delay the trial. See Fed. R. Civ. P. 12(c). In this instance, however, pleadings have yet to close inasmuch as respondent has yet to file his answer to the petition to cancel

Accordingly, respondent's motion for motion on the pleadings is deemed premature since pleadings in this matter have yet to close and, therefore, will be given no further consideration.

Trial Schedule

Proceedings are resumed. Trial dates, beginning with the deadline for respondent to file an answer or otherwise respond to the petition to cancel, are reset as follows:

| | |
|---|-------------------|
| Time to Answer | 9/5/2013 |
| Deadline for Discovery Conference | 10/5/2013 |
| Discovery Opens | 10/5/2013 |
| Initial Disclosures Due | 11/4/2013 |
| Expert Disclosures Due | 3/4/2014 |
| Discovery Closes | 4/3/2014 |
| Plaintiff's Pretrial Disclosures Due | 5/18/2014 |
| Plaintiff's 30-day Trial Period Ends | 7/2/2014 |
| Defendant's Pretrial Disclosures Due | 7/17/2014 |
| Defendant's 30-day Trial Period Ends | 8/31/2014 |
| Plaintiff's Rebuttal Disclosures Due | 9/15/2014 |
| Plaintiff's 15-day Rebuttal Period Ends | 10/15/2014 |

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 Trademarks Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.