

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

MT

Mailed: November 26, 2013

Cancellation No. 92058058

Yucatan Foods LP

v.

James DiVilio

**Monique Tyson, Paralegal Specialist:**

The notice instituting this proceeding and a copy of the petition to cancel were forwarded to registrant but were returned by the Postal Service as undeliverable.<sup>1</sup>

The Office has received notice of a new address that service upon registrant could be effected and would be accepted when documents are mailed as follows:

**James DiVilio  
15 Conscience Bay Rd  
Setauket NY 11733-2201**

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

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<sup>1</sup>Petitioner's notice of ineffective service filed November 8, 2013 is noted.

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. 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, the cancellation may proceed as in the case of default.

In accordance with the Trademark Rules of Practice, conferencing, disclosure, discovery and testimony dates are set 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.

Time to Answer	1/5/2014
Deadline for Discovery Conference	2/4/2014
Discovery Opens	2/4/2014
Initial Disclosures Due	3/6/2014
Expert Disclosures Due	7/4/2014
Discovery Closes	8/3/2014
Plaintiff's Pretrial Disclosures	9/17/2014
Plaintiff's 30-day Trial Period Ends	11/1/2014
Defendant's Pretrial Disclosures	11/16/2014
Defendant's 30-day Trial Period Ends	12/31/2014
Plaintiff's Rebuttal Disclosures	1/15/2015
Plaintiff's 15-day Rebuttal Period Ends	2/14/2015

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.