

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: March 15, 2016

Cancellation No. 92062860

International IP Holdings, LLC

v.

Dr. Tom Miles

Monique Tyson, Paralegal Specialist:

On December 15, 2015, Petitioner served its petition to cancel. In response, Respondent filed a motion to dismiss on January 30, 2016. On February 10, 2016, Petitioner filed an amended petition to cancel.

Pursuant to Fed. R. Civ. P. 15(a)(1)(B), made applicable to Board proceedings by Trademark Rule 2.116(a), a party may amend its pleading once as a matter of course if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. See Trademark Rule 2.107; TBMP § 507.01.

Insofar as Petitioner may amend its petition to cancel as a matter of course within 21 days of service of a motion under Rule 12(b), the amended petition to cancel is now considered to be Petitioner's operative pleading.

Accordingly, Respondent's motion to dismiss is moot, this proceeding is hereby resumed and trial dates are reset as shown in the following schedule.

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| Time to Answer | 4/14/2016 |
| Deadline for Discovery Conference | 5/14/2016 |
| Discovery Opens | 5/14/2016 |
| Initial Disclosures Due | 6/13/2016 |
| Expert Disclosures Due | 10/11/2016 |
| Discovery Closes | 11/10/2016 |
| Plaintiff's Pretrial Disclosures | 12/25/2016 |
| Plaintiff's 30-day Trial Period Ends | 2/8/2017 |
| Defendant's Pretrial Disclosures | 2/23/2017 |
| Defendant's 30-day Trial Period Ends | 4/9/2017 |
| Plaintiff's Rebuttal Disclosures | 4/24/2017 |
| Plaintiff's 15-day Rebuttal Period Ends | 5/24/2017 |

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. *See* Trademark Rule 2.125, 37 C.F.R. § 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b), 37 C.F.R. §§ 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129, 37 C.F.R. § 2.129.

