

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

em

Mailed: March 8, 2018

Cancellation No. 92067244

Conec Corporation

v.

Pacsci Motion Control, Inc.

Eric McWilliams, Supervisory Paralegal

The Board sent notice of institution of this proceeding to Respondent on November 6, 2017, using the last known address of record. On December 26, 2017, the Board issued a show cause order allowing Respondent thirty days to respond and on January 18, 2018, judgment by default was entered because no response was received. On January 16, 2018, the Board received its service copy of the institution order returned as undeliverable.¹ See Trademark Rule 2.118.

In view of the circumstances herein, the Board's January 18, 2018 judgment order is hereby vacated and office records are updated to reflect Respondent's change of address filed on February 28, 2018 in this proceeding.

¹ The Board encourages trademark owners to exercise due diligence in monitoring the status of their applications and registrations, and their correspondence information, online through the USPTO website and databases accessible from the website. Every party is responsible for ensuring that the Board has its current email and correspondence address. If a party fails to notify the Board of a change of address, with the result that the Board is unable to serve correspondence on the party, default judgment may be entered against the party. See TBMP § 117.07.

Accordingly, the notice of institution is remailed and the time for filing an answer to the petition to cancel is extended to thirty days from the mailing date of this order.²

If there has been any transfer of interest in the involved registration, Respondent must so advise the Board and submit copies of the appropriate documents. *See* Trademark Act § 10 and Patent and Trademark Rules 3.71 and 3.73.

Notice is hereby given that unless the Respondent listed herein, its assigns or legal representatives, shall enter an appearance, or file an answer or other response to the petition within the time provided in this order, this proceeding may proceed as in the case of default.³

If the parties to this proceeding are also parties to any other Board proceedings involving related marks or, during the pendency of this proceeding, become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings. *See* TBMP § 511.

In accordance with the Trademark Rules of Practice, conference, disclosure, discovery and trial dates are reset as indicated below.

Time to Answer	4/6/2018
Deadline for Discovery Conference	5/6/2018
Discovery Opens	5/6/2018
Initial Disclosures Due	6/5/2018
Expert Disclosures Due	10/3/2018
Discovery Closes	11/2/2018

² A copy of the petition to cancel can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

³ An answer must be filed through ESTTA. *See* Trademark Rule 2.106(b)(1)/2.114(b)(1). Moreover, all submissions to the Board must be made through ESTTA. *See* Trademark Rule 2.126(a). ESTTA is accessible at <http://estta.uspto.gov>.

Plaintiff's Pretrial Disclosures Due	12/17/2018
Plaintiff's 30-day Trial Period Ends	1/31/2019
Defendant's Pretrial Disclosures Due	2/15/2019
Defendant's 30-day Trial Period Ends	4/1/2019
Plaintiff's Rebuttal Disclosures Due	4/16/2019
Plaintiff's 15-day Rebuttal Period Ends	5/16/2019
Plaintiff's Opening Brief Due	7/15/2019
Defendant's Brief Due	8/14/2019
Plaintiff's Reply Brief Due	8/29/2019
Request for Oral Hearing (optional) Due	9/8/2019

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, matters in evidence, the manner and timing of taking testimony, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).