

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

gcp/jk

Mailed: June 19, 2008

Opposition No. 91120453

HEARST COMMUNICATIONS,
INC. AND HEARST MAGAZINES
PROPERTY, INC.

v.

CHARLES BROWNING WILSON

George C. Pologeorgis, Interlocutory Attorney:

On March 19, 2008, the Board issued an order allowing opposers thirty days to show cause why the Board should not treat their failure to file a main brief as a concession of this case pursuant to Trademark Rule 2.128(a)(3). On April 18, 2008, opposers filed a response to the show cause order, and concurrently therewith, a joint motion for leave to perfect the record to the extent that the parties be allowed to submit verification of any previously-taken testimony, as well as to reset the briefing schedule in this proceeding.

In their response to the Board's show cause order, opposers state that they have not lost interest in this case, and that up and until the deadline for opposers to submit their trial briefs, the parties have been actively seeking settlement, which would have made the need for trial briefs unnecessary. Opposers further state that,

notwithstanding the parties' continued efforts to resolve the dispute herein amicably, the parties wish to continue with the submission of trial briefs.

Inasmuch as opposers have indicated to the Board that they have not lost interest in this case, the March 19, 2008 show cause order is hereby discharged. See TBMP § 536 (2d ed. rev. 2004)

Moreover, the parties' stipulated request to perfect the record is granted to the extent that the parties are allowed fifteen days from the mailing date of this order in which to submit any outstanding verification of any previously-served testimony.

Finally, the parties' stipulated request to extend the briefing schedule is granted as set forth below.¹ Discovery and testimony are now closed except to the extent indicated above.

Opposer's trial brief due:	07/25/08
Applicant's trial brief, if any, due:	08/24/08
Opposer's rebuttal trial brief, if any, due:	09/09/08

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b).

¹ Inasmuch as the dates in the joint motion miscalculated the appropriate times between briefs, the board has *sua sponte* reset and revised the dates so as to comply with Trademark Rule 2.128.

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>
http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>