

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: July 8, 2002

Opposition No. 91151705

Serial No. 76031210

NAPCO, INC

v.

PAPA JOHN'S INTERNATIONAL
INC.

DANIEL L. WADDELL
PAPA JOHN'S INTERNATIONAL, INC.
2002 PAPA JOHN'S BLVD.
LOUISVILLE, KY 40299

Kimberly Linton, Legal Assistant:

A notice of opposition to the registration sought in the above-identified application has been filed. A copy of the notice is attached.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Patent and Trademark Rule 1.7 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that became effective October 9, 1998. See Notice of Final Rulemaking published in the *Official Gazette* on September 29, 1998 at 1214 TMOG 145. Slight corrections to the rules, resulting in a correction notice, were published in the *Official Gazette* on October 20, 1998 at 1215 TMOG 64. A copy of the recent amendments to the Trademark Rules, as

well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.

Discovery and testimony periods are set as indicated 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.

Discovery period to open:	July 28, 2002
Discovery period to close:	January 24, 2003
Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto)	April 24, 2003
Testimony period for party in position of defendant to close: (opening thirty days prior thereto)	June 23, 2003
Rebuttal testimony period to close: (opening fifteen days prior thereto)	August 7, 2003

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.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "*Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board*," 1235 TMOG 68 (June 20, 2000). A hard copy of the *Official Gazette* containing this notice is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone (202) 512-1800). The notice is also available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

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.¹

¹ The record herein now shows that the potential opposer, did in fact, file a timely request for an extension of time to oppose on January 7, 2002. In view thereof, the Board's letter dated May 28, 2002, is hereby vacated and the Notice of Opposition is now granted.