

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: April 10, 2004

Opposition No. 91158578

NETSCOUT SYSTEMS, INC.

v.

ForeScout Technologies, Inc.

Frances S. Wolfson, Interlocutory Attorney:

On February 3, 2004, applicant filed a motion to extend its time to file an answer. Applicant's motion is styled as a "stipulated" motion, but it was not signed by counsel for opposer. Further, applicant's motion does not indicate that it was served on opposer, as required under Trademark Rule 2.119. However, the motion states that "the parties agree" to the requested extension.

In an effort to move this case forward in an orderly manner, the Board contacted Ms. Jennifer Lawson, counsel for opposer, who confirmed that opposer had been served with a copy of applicant's motion and that opposer consented to the motion.¹

¹ Applicant's counsel followed-up with the Board on March 30, 2004. Counsel is reminded to include its telephone number on all correspondence filed with the Board to facilitate its reaching counsel. See TBMP § 106.02 (2d ed. June 2003).

Accordingly, applicant's motion is hereby granted.
Applicant is allowed until TWENTY DAYS from the mailing date of this order to file an answer to the notice of opposition.

Trial dates remain as set in the Board's November 25, 2003 institution order.

New Developments at the Trademark Trial and Appeal Board

- Files of TTAB proceedings can now be examined using TTAB Vue, accessible at <http://ttabvue.uspto.gov>. After entering the 8-digit proceeding number, click on any entry in the prosecution history to view that paper in PDF format. Papers filed prior to January 2003 may not have been scanned. Unscanned papers remain available for public access at the TTAB. For further information on file access, call the TTAB at (703) 308-9330.
- Papers can now be filed using ESTTA (Electronic System for Trademark Trials and Appeals). See <http://estta.uspto.gov/> regarding procedures for filing papers online using ESTTA.
- Parties should also be aware of recent changes in the rules affecting trademark matters, including the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003) (www.uspto.gov/web/offices/com/sol/notices/68fr55748.pdf); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003) (www.uspto.gov/web/offices/com/sol/notices/68fr48286.pdf).