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

Mailed: January 22, 2009

Opposition No. **91161944**

Labeltex Mills Incorporated

v.

Labeltex S.r.l.

Cheryl Goodman, Interlocutory Attorney:

Now before the Board is applicant's motion, filed December 3, 2008, for protective order. Applicant seeks an order from the Board prohibiting disclosure of documents labeled "confidential attorney's eyes only" to opposer's CEO and five other "key employees," particularly "invoices, shipping receipts and other documents" dated prior to August 30, 2004. Opposer made the request for disclosure on November 17, 2008 by letter. Applicant objected to such disclosure on November 24, 2008. The parties discussed the matter on November 26, 2008 but were unable to resolve the dispute.[1]

Opposer has not filed any opposition to applicant's motion nor has opposer sought to redesignate documents dated

[1] Applicant's counsel advises that "applicant's counsel does not intend to make the corresponding documents received from Opposer available to Applicant's officer."

prior to August 30, 2004 and designated as "confidential attorney's eyes only" as "confidential."

The parties' stipulated protective agreement, paragraphs 4 and 5, provides that a party may request relief from the Board in such a dispute when such objection is made. The agreement also provides that "restricted-outside counsel's eyes only" designated documents shall not be given to "any party or any employee of any party."

In view thereof, applicant's motion for protective order is granted.

Opposer shall not disclose documents labeled "confidential attorney's eyes only" to opposer's CEO and five other "key employees, whose identifies are presently unknown."

The parties' stipulation, filed December 2, 2008, to extend is granted.

Proceedings are resumed. Trial dates are reset in accordance with the parties' extension request.

DISCOVERY PERIOD TO CLOSE:	**CLOSED**
30-day testimony period for party in position of plaintiff to close:	**March 5, 2009**
30-day testimony period for party in position of defendant to close:	**May 4, 2009**
15-day rebuttal testimony period for party in position of plaintiff to close:	**June 18, 2009**

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.

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