

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

FSW/kk

Mailed: May 6, 2008

Opposition No. 91167151

Flowers Bakeries Brands,
Inc.

v.

Independent Marketing
Alliance LP

Applicant's consented motion filed November 20, 2008
to extend remaining testimony periods is granted.

Trademark Rule 2.127(a).

Testimony periods are reset in accordance with
applicant's motion.

It is noted that applicant's brief was filed untimely
with an improper certificate of service (dated November 26,
2007). As opposer has not objected to applicant's late-
filed brief, the Board invokes its discretion to consider
the late filing. However, applicant is allowed *twenty days*
to file a corrected certificate of service for its brief,
showing that it served its brief on opposer. Opposer's
reply brief filed April 24, 2008 is noted.

The proceeding file will be prepared for a final decision in due course.

*By the Trademark Trial
and Appeal Board*

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>