

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

Pologeorgis

Mailed: March 2, 2009

Opposition No. 91167207

Ms. Anita Dhaliwal

v.

DVD WORLD Pictures Corp.

**By the Trademark Trial and Appeal Board:**

On November 13, 2007, the Board issued an order requiring applicant to show cause order why default judgment should not be entered against applicant based on applicant's apparent loss of interest in this case.

On December 12, 2007,<sup>1</sup> applicant filed a response to the Board's November 13, 2007 show cause order noting that applicant has not lost interest in this case but also advising that, in light of the costs involved, applicant can no longer have legal representation. Further, applicant notes that it does not have the legal knowledge to represent itself in this case. Finally, applicant requests the entry

---

<sup>1</sup> Applicant's December 12, 2007 response fails to indicate proof of service on opposer, as required by Trademark Rule 2.119. In order to expedite this matter, a copy of applicant's December 12, 2007 filing is forwarded herewith to opposer's counsel. Notwithstanding, strict compliance with Trademark Rule 2.119 is required by applicant in all future papers filed with the Board.

of summary judgment in its favor based on the information provided in its December 12, 2007 filing.

While the Board appreciates the costs involved in defending oneself in litigation, applicant nonetheless has the obligation to represent itself in this proceeding through representation by legal counsel or as a *pro se* litigant. Inasmuch as applicant has not appointed new counsel to represent it in this action, the Board assumes that applicant will represent itself *pro se* in this matter. In view thereof, the Board's November 13, 2007 show cause order is hereby set aside.

With respect to applicant's request for entry of summary judgment in its favor, the Board notes that a motion for summary judgment must be filed prior to the commencement of plaintiff's testimony period, as originally set or as reset. See Trademark Rule 2.127(e). Inasmuch as opposer's testimony period had already commenced prior to applicant's request for summary judgment, applicant's request for summary judgment is denied as untimely and will be given no further consideration.

Proceedings herein are resumed and trial dates are reset as follows:<sup>2</sup>

**DISCOVERY PERIOD TO CLOSE:**

**CLOSED**

---

<sup>2</sup> In light of the instant order, opposer's motion (filed September 6, 2007) to extend its testimony period is deemed moot and will be given no further consideration.

Testimony period for party in position of  
plaintiff **4/30/2009**  
to close: (opening thirty days prior thereto)

Testimony period for party in position of  
defendant **6/29/2009**  
to close:(opening thirty days prior thereto)

Rebuttal testimony period to close: **8/13/2009**  
(opening fifteen days prior thereto)

**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](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>