

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

tlc/gcp

Mailed: April 7, 2009

Opposition No. 91167207

Ms. Anita Dhaliwal

v.

DVD WORLD Pictures Corp.

By the Trademark Trial and Appeal Board:

On March 27, 2009, opposer filed a motion for summary judgment. A motion for summary judgment, if filed, should be filed prior to the commencement of the first testimony period, as originally set or as reset, and the Board, in its discretion, may deny as untimely any motion for summary judgment filed thereafter. See Trademark Rule 2.127(e) (emphasis added).

In this instance, opposer's thirty-day testimony period, despite being reset by the Board on a couple of occasions during the course of this case, nonetheless had already opened once in this proceeding. Indeed, the Board's July 18, 2007 order, denying opposer's previously-filed motion for summary judgment, noted that opposer's testimony period, although reset by the Board, had nonetheless already opened for one day and, in view thereof, any future motions

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for summary judgment filed by opposer would be deemed untimely under Trademark Rule 2.127(e), despite the resetting of opposer's testimony period.

In view thereof, opposer's motion for summary judgment filed on March 27, 2009 is denied as untimely and will be given no further consideration.

The trial schedule is reset as follows:

DISCOVERY PERIOD TO CLOSE:	CLOSED
Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto)	5/31/2009
Testimony period for party in position of defendant to close:(opening thirty days prior thereto)	7/30/2009
Rebuttal testimony period to close: (opening fifteen days prior thereto)	9/13/2009

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>