

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

DUNN
Mailed: July 6, 2006

Opposition No. 91168695

BellSouth Intellectual
Property Corporation

v.

David Shymatta

Elizabeth A. Dunn, Attorney:

The Board inadvertently forwarded the notice instituting this proceeding and a copy of the notice of opposition that was intended for applicant to an incorrect address. The error is regretted.

Accordingly, the above notice, with enclosure, is remailed to applicant at the correct address:

DAVID SHYMATTA
4245 YELLOWSTONE AVE., A3
CHUBBUCK, ID 83202.

In view of the circumstances herein, the time for filing an answer to the notice of opposition is extended to forty days from the mailing date of this order. Any discovery requests or notices served that remain unanswered

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as of the mailing date of this order must be reserved in accordance with the rules, unless otherwise agreed to by the parties.

The Board notes that application Serial No. 76619826, the subject of the opposition, is also the subject of Opposition No. 91168334 and 91168661.

The Board also notes that applicant does not appear to be represented by counsel. Applicant is advised that an inter partes proceeding before the Board is similar to a civil action in a Federal district court. There are pleadings, a wide range of possible motions; discovery (a party's use of discovery depositions, interrogatories, requests for production of documents and things, and requests for admission to ascertain the facts underlying its adversary's case), a trial, and briefs, followed by a decision on the case. The Board does not preside at the taking of testimony. Rather, all testimony is taken out of the presence of the Board during the assigned testimony, or trial, periods, and the written transcripts thereof, together with any exhibits thereto, are then filed with the Board. No paper, document, or exhibit will be considered as evidence in the case unless it has been introduced in evidence in accordance with the applicable rules.

While Patent and Trademark Rule 10.14 permits any person to represent itself, it is generally advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in an opposition proceeding to secure the services of an attorney who is familiar with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney. Strict compliance with the Trademark Rules of Practice, and where applicable the Federal Rules of Civil Procedure, is expected of all parties before the Board, whether or not they are represented by counsel. Applicant is referred to the Trademark Trial and Appeal Board Manual of Procedure (TBMP), available on the USPTO website, www.uspto.gov. The Board is unable to offer more specific legal advice to parties.

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below. 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.

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DISCOVERY PERIOD TO CLOSE:	January 10, 2007
Thirty-day testimony period for party in position of plaintiff to close:	April 10, 2007
Thirty-day testimony period for party in position of defendant to close:	June 9, 2007
Fifteen-day rebuttal testimony period to close:	July 24, 2007

Briefs shall be filed in accordance with Trademark Rule 1.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.
