

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

dmd

Mailed: March 22, 2006

Opposition No. 91169225

Cars Jeans & Casuals B.V.

v.

Getty Petroleum Marketing
Inc.

Jyll S. Taylor, Attorney:

On February 17, 2006, the Board instituted this opposition proceeding against application Serial No. 78614903, set the time for applicant to file an answer, and set the discovery and trial periods. No answer is of record.

On March 20, 2006, opposer filed an amended notice of opposition.¹ By the amended notice of opposition, opposer seeks to oppose a second application, i.e., application Serial No. 78614970, by adding it to this proceeding.²

Inasmuch as a party to an inter partes proceeding before the Board may amend its pleading once as a matter of course

¹ Opposer's amended notice of opposition fails to indicate proof of service on applicant, as required by Trademark Rule 2.119. In order to expedite this matter, and as a one time courtesy, a copy of the (March 20, 2006) paper is forwarded herewith to applicant's counsel. Notwithstanding, strict compliance with Trademark Rule 2.119 is required by opposer in all future papers filed with the Board.

² It is noted that application Serial number 78614970 published for opposition on February 21, 2006. Therefore, opposer is allowed until March 23, 2006 in which to file an opposition or, in this case, to add the application to the proceeding. See Trademark Rule §202.01 (2d ed. Rev. 2004). It is further noted that applicant paid the proper opposition fee.

at any time before a responsive pleading is served, opposer's amended notice of opposition is accepted and made of record. See TBMP §507.02 (2d ed. Rev. 2004). As such, application Serial Nos. 78614903 and 78614970 are the subjects of this proceeding.

Applicant is allowed until **forty days** from the mailing date of this order to file an answer to the amended notice of opposition.

Discovery and trial dates are reset as indicated below:

THE PERIOD FOR DISCOVERY TO CLOSE:	10/08/06
30-day testimony period for party in position of plaintiff to close:	01/06/07
30-day testimony period for party in position of defendant to close:	03/07/07
15-day rebuttal testimony period to close:	04/21/07

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. Rule 2.125. Briefs shall be filed in accordance with Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Rule 2.129.
