

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

Mailed: October 31, 2007

Opposition No. 91169340

Assist-2-Sell, Inc.

v.

Assist-2-Build, L.L.C.

George C. Pologeorgis, Interlocutory Attorney:

On May 3, 2007, applicant filed a communication entitled "Voluntary Surrender of Registration."¹ The filing, however, only displays the signature line of applicant's attorney. The Board is therefore unable to ascertain the content of the filing.

In view thereof, applicant is allowed twenty days from the mailing date of this order to re-file and serve the communication it originally intended to file on May 3, 2007, failing which the Board will give no further consideration to

¹Applicant's May 3, 2007 filing does not demonstrate proof of service upon opposer as required by Trademark Rule 2.119. In order to expedite matters, a copy of the filing is forwarded to opposer with a copy of the instant order. The parties are minded of their service obligations under Trademark Rule 2.119. Moreover, the Board notes that this is an opposition proceeding, not a cancellation proceeding. Accordingly, if applicant's intent was to abandon its application, it should entitle its filing "Abandonment of Application."

the May 3, 2007 filing and will reset discovery and trial dates.

Proceedings are otherwise suspended.

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>