

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

ac

Mailed: November 26, 2008

Opposition No. 91171425

Opposition No. 91171426

PPC Marketing, Ltd.

v.

Michael Foods of Delaware,  
Inc.

**Angela Campbell, Paralegal Specialist:**

Opposer's consented motion for suspension (filed November 24, 2008) is granted.

In the event that the parties seek further extensions of time or periods of suspension to facilitate any settlement discussions, the parties must support such requests for enlargement of time with a detailed report on the progress of their discussions. The report should include a recitation of the issues that have been resolved; the issues that remain to be resolved; a firm timetable for resolution, and a list of all dates in which settlement has been discussed.

Because the parties are negotiating for a possible settlement of this case, proceedings herein are suspended until **January 23, 2009**, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

Proceedings resumed: January 24, 2009

30-day testimony period for plaintiff in the opposition to close: March 25, 2009

30-day testimony period for defendant in the opposition and as plaintiff in the counterclaim to close: May 24, 2009

30-day testimony period for defendant in the counterclaim and its rebuttal testimony as plaintiff in the opposition to close: July 23, 2009

15-day rebuttal testimony period for plaintiff in the counterclaim to close: September 6, 2009

Briefs shall be due as follows:  
[See Trademark rule 2.128(a)(2)].

Brief for plaintiff in the opposition shall be due: November 5, 2009

Brief for defendant in the opposition and as plaintiff in the counterclaim shall be due: December 5, 2009

Brief for defendant in the counterclaim and its reply  
brief (if any) as plaintiff in the opposition  
shall be due:

January 4, 2010

Reply brief (if any) for plaintiff in the  
counterclaim shall be due:

January 19, 2010

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.

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

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

**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>