

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

lg

Mailed: May 29, 2008

Opposition No. 91172810

Lotto Sport Italia S.p.A.

v.

FLIR Systems, Inc.

Brian D. Brown, Interlocutory Attorney

On May 22, 2008, applicant filed a proposed amendment to its application Serial No. 78784343, with opposer's consent.¹

By the proposed amendment applicant seeks to change the identification of goods in International Class 9 from:

"Electronic visions systems, namely, image processors and cameras sensing electromagnetic radiation including visible light, infrared radiation and other thermal radiation"

to:

"Electronic visions systems, namely, image processors and cameras sensing electromagnetic radiation including visible light, infrared radiation and other thermal radiation primarily sold to military and law enforcement entities"

¹Opposer's consented motion filed April 23, 2008 to suspend proceedings is granted.

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

If this resolves the dispute herein, opposer is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended upon resumption of the proceedings. See Trademark Rule 2.106(c).

With opposer's consented motion to suspend proceedings granted and because the parties are negotiating for possible settlement of this case, proceedings herein are suspended until one month from the mailing date of this action, 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 Resume:

DISCOVERY PERIOD TO CLOSE:

June 29, 2008

Closed

30-day testimony period for party in position of plaintiff to close:

September 30, 2008

30-day testimony period for party in position of defendant to close:

November 29, 2008

15-day rebuttal testimony period for
plaintiff to close:

January 13, 2009

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

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>