

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

Mailed: January 30, 2009

Opposition No. 91174641

PARAMETRIC TECHNOLOGY CORPORATION

v.

PLMIC, INC.

Opposition No. 91177168

PLMIC, INC.

v.

PARAMETRIC TECHNOLOGY CORPORATION

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

On January 8, 2009, Parametric Technology Corporation filed a motion to amend the notice of opposition to conform to the evidence, accompanied by a proposed amended notice of opposition, for Opposition No. 91174641. In response, PLMIC, on January 16, 2009, filed its answer to the amended notice of opposition. Parametric Technology states that the proposed amended notice of opposition adds paragraph Nos. 8 and 9, alleging that the opposed application falsely claims a date of first use anywhere of July 13, 2008 and a date of first use in commerce of July 20, 2004. Parametric Technology states that the evidence, by way of the testimonial deposition of PLMIC's principal, shows that the mark was put in use after the filing date of the application.

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Parametric Technology's motion for leave to file an amended notice of opposition to conform to the evidence in Opposition No. 91174641 is granted. See Fed. R. Civ. P. 15(b); Trademark Rules 2.107(a) and 2.127(a); and TBMP §§507.01 and 507.03 (2d ed. rev. 2004).

Parametric Technology's amended notice of opposition (filed January 8, 2009) is the operative pleading. PLMIC's answer, filed January 16, 2009, is noted and entered.

Trial dates remain as agreed to in Parametric Technology's consented motion, filed on August 25, 2008 and granted by order of the Board dated September 30, 2008. Remaining operative dates are copied below:

15-day rebuttal testimony period
for PMLIC as plaintiff in
Opposition No. 91177168
to close: March 3, 2008

Briefs shall be filed in accordance with Trademark rules 2.128(a) and (b) as follows:

Brief for Parametric Technology
as plaintiff in Opposition No.
91174641 shall be due: May 4, 2009

Brief for PMLIC as defendant
in Opposition No. 91174641 and
as plaintiff in Opposition No.
91177168 shall be due: June 2, 2009

Brief for Parametric Technology
as defendant in Opposition No.
91177168 and its reply brief (if
any) as plaintiff in Opposition
No. 91174641 shall be due: July 3, 2009

Reply brief (if any) for PMLIC
as plaintiff in Opposition No.
91177168 shall be due: July 18, 2009

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on

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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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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