

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

vb

Mailed: April 14, 2009

Opposition No. 91174683

Clinical Data, Inc.

v.

Pharmacogenetics Diagnostic  
Laboratory, LLC LLC

Vionette Baez, Paralegal:

Applicant's consented motion filed (April 7, 2009) to extend time to file its answer to the notice of opposition is granted. Trademark Rule 2.127(a).

Accordingly, proceedings are resumed and the answer is due May 7, 2009. Trial dates remain as previously set.

A review of the record reveals that while this proceeding commenced on December 20, 2006, the parties have sought and been granted numerous (over fourteen) extensions of time in this case. In order to avoid undue delay to the progress of this proceeding, the parties will be expected to establish good cause for any further extensions or suspensions herein and to state the purpose of the proposed extension of time or suspension. That is, if the parties are engaged in settlement discussions, they should so inform

the Board and provide an updated status of the progress of such discussions. In the event the parties fail to comply with the foregoing, any future motion to extend or suspension may not be approved, even though agreed to by the parties.

**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>