

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

Mailed: November 7, 2007

Opposition No. 91175738

InfoDot, LLC, and
Secure Innovations Inc.

v.

Key Surgical Incorporated

**Robert H. Coggins,
Interlocutory Attorney:**

This case now comes up on opposers' motion (filed July 25, 2007) to join assignee Secure Innovations, Inc. as a party opposer, and the parties' stipulated motion (filed August 28, 2007 by opposers) to extend discovery and trial dates.

Motion to Join

Inasmuch as Application Serial No. 76653292 has been pleaded by opposer InfoDot, LLC, in the notice of opposition; said application has been assigned to Secure Innovations, Inc.; the assignment occurred after the commencement of this opposition proceeding; proof of the assignment has been recorded with the Assignment Services Division of the USPTO at Reel 3578, Frame 0259; and the discovery and testimony periods have not closed; the motion

to join is **granted**. See TBMP Section 512.01 (2d ed. rev. 2004).

The Board notes that opposers failed to include proof of service with their motion. To expedite this matter, applicant is directed to the following URL where it may view a copy of the filing:

<http://ttabvueint.uspto.gov/ttabvue/v?pno=91175738&pty=OPP&eno=5>

Opposers are reminded of their obligation to send a service copy of any paper filed in this opposition proceeding to the adverse party, and to include proof of service when the paper is filed with the Board. Strict compliance with Trademark Rule 2.119 is required by opposers in all future papers filed with the Board. Any future paper that fails to include proof of service may not be considered by the Board.

Motion to Extend

The parties' stipulated motion (filed August 28, 2007 by opposers) to extend discovery and trial dates is **granted** to the extend **modified** herein. Trademark Rule 2.127(a).

Discovery is open. The discovery and trial dates are reset as follows:

Discovery period to close:	12/4/07
30-day testimony period for party in position of plaintiff to close:	3/3/08
30-day testimony period for party in position of defendant to close:	5/2/08

15-day rebuttal testimony period to close: 6/12/08

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

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>