

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

BDB

Mailed: November 2, 2007

Opposition No. 91175750

Swinger International
S.p.A.

v.

Cheng, Tsz Wai (Gordon)

Angela Lykos, Interlocutory Attorney

Insofar as the Board is not in receipt of a responsive brief from applicant, opposer's motion (filed August 28, 2007) to compel is hereby granted as conceded. See Trademark Rule 2.127(a).

In view thereof, applicant is hereby ordered to serve no later than **THIRTY DAYS** from the mailing date of this order its full and complete responses, without objection, to opposer's first set of interrogatories and first request for production of documents and things. See *Bison Corp. v. Perfecta Chemie B.V.*, 4 USPQ2d 1718, (TTAB 1987).

Applicant is further ordered to photocopy and mail to opposer, at applicant's expenses, all responsive documents.

In the event applicant fails to respond to opposer's discovery requests as ordered herein, the Board may entertain a motion for sanctions, including the entry of judgment pursuant to Trademark Rule 2.120(g), 37 CFR Section 2.120(g). Moreover, opposer's first set of admission requests are hereby deemed admitted. See Fed. R. Civ. P. 36(b).

Trial dates, including the close of discovery are reset as follows:

DISCOVERY PERIOD TO CLOSE: **November 30, 2007**

30-day testimony period for party in position of plaintiff to close: **February 28, 2008**

30-day testimony period for party in position of defendant to close: **April 28, 2008**

15-day rebuttal testimony period for plaintiff to close: **June 12, 2008**

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. See 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>