

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

Mailed: August 21, 2008

Opposition No. 91176065

Lenovo (Singapore) Pte. Ltd

v.

H. Co. Computer Products

George C. Pologeorgis, Interlocutory Attorney:

On September 5, 2007, opposer/counterclaim defendant, Lenovo (Singapore) Pte. Ltd., filed a motion for a more definite statement regarding applicant/counterclaim plaintiff's, H. Co. Computer Products, counterclaim. The motion has been fully briefed by the parties.

The Board, in its discretion, suggested that the issues raised in opposer/counterclaim defendant's motion should be resolved by telephonic conference as permitted by TBMP § 502.06 (2<sup>nd</sup> ed. rev. 2004). The Board contacted the parties to discuss the date and time for holding the phone conference.

The parties agreed to hold a telephone conference at 4:00 p.m. Eastern Time on Wednesday, August 20, 2008. The conference was held as scheduled among Stanley D. Ferrence III, as counsel for Lenovo (Singapore) Pte. Ltd, Inc., Gary

J. Nelson, as counsel for H. Co. Computer Products, and George C. Pologeorgis, as a Board attorney responsible for resolving interlocutory disputes in this case.

The Board carefully considered the arguments raised by the parties, as well as the supporting correspondence and the record of this case, in coming to a determination regarding the above matters. During the telephone conference, the Board made the following findings and determinations:

**Opposer/Counterclaim Defendant's Motion for More Definite Statement**

Opposer/Counterclaim defendant's motion for a more definite statement is **granted** to the extent that applicant/counterclaim plaintiff is allowed **twenty days** from the mailing date of this order in which to file and serve an amended counterclaim whereby applicant/counterclaim plaintiff will amend Paragraph 8 of its originally-filed counterclaim so as to identify specifically which of its own marks and goods and/or services associated therewith it intends to rely upon as a basis for its counterclaim. Additionally, the Board notes that Paragraph 13 of the counterclaim appears to have a typographical error inasmuch as the counterclaim identifies several registrations owned by opposer/counterclaim defendant for which applicant/counterclaim plaintiff seeks to cancel but merely

alleges that "the registration be cancelled." For purposes of clarity, the Board also requires applicant/counterclaim plaintiff to amend Paragraph 13 so that it clearly states that applicant/counterclaim plaintiff is seeking cancellation of the registrations identified. The Board suggests the following amendment to Paragraph 13:

**Paragraph 13**

**The continuous registration of Leveno's Marks is causing injury to HCCP's business plans, is impairing HCCP's rights in its HCCP Marks, is inconsistent with HCCP's rights, and will cause injury to HCCP until Levono's Registrations are cancelled.**

Opposer/counterclaim defendant is allowed **twenty days** from the date of service of applicant/counterclaim plaintiff's counterclaim in which to file and serve its answer thereto.

Proceedings herein are resumed. Discovery and trial dates are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	<b>1/20/2009</b>
Testimony period for plaintiff in the opposition to close: (opening thirty days prior thereto)	<b>4/20/2009</b>
Testimony period for defendant in the opposition and as plaintiff in the counterclaim to close: (opening thirty days prior thereto)	<b>6/19/2009</b>
Testimony period for defendant in the counterclaim and its rebuttal testimony as plaintiff in the opposition to close: (opening thirty days prior thereto)	<b>8/18/2009</b>

Rebuttal testimony period for plaintiff in the counterclaim to close: **10/2/2009**  
(opening fifteen days prior thereto)

Briefs shall be due as follows:  
[See Trademark rule 2.128(a)(2)].

Brief for plaintiff in the opposition shall be due: **12/1/2009**

Brief for defendant in the opposition and as plaintiff in the counterclaim shall be due: **12/31/2009**

Brief for defendant in the counterclaim and its reply brief (if any) as plaintiff in the opposition shall be due: **1/30/2010**

Reply brief (if any) for plaintiff in the counterclaim shall be due: **2/14/2010**

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.

The Board thanks counsels for Lenovo (Singapore) Pte. Ltd and H. Co. Computer Products for agreeing to participate in the telephone conference.

**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>