

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

Mailed: March 27, 2008

Opposition No. **91176791**

UMG RECORDINGS, INC.

v.

MATTEL, INC.

Cheryl Goodman, Interlocutory Attorney:

This case now comes up on opposer's motion to compel, filed February 29, 2008.

In support of its motion, opposer advises that although applicant agreed to provide supplemental responses to "fully respond" to opposer's Interrogatory nos. 11-24 and 31-34 and to provide supplemental responses to opposer's Document Request nos. 3-12, 15, 18, 27-32, and 35-36, it has not yet done so. Opposer advises that the parties have met and conferred regarding these issues in a good faith effort to resolve the dispute but that the dispute remains unresolved because although agreeing to supplement its responses, applicant "has not actually done so." Alternatively, opposer seeks to exclude any evidence by applicant during testimony or rebuttal testimony on which it "refuses to provide discovery."

In response, applicant advises that it served amended responses to opposer's Interrogatory nos. 11-24 and 31-34 and "agrees to supplement" its responses to opposer's document requests by "further answering Document Request nos. 3-12, 15, 18, 27-32 and 35-36." Applicant advises that supplemental responses to the aforementioned interrogatories and document requests were served on March 14, 2008.

Inasmuch as applicant has served supplemental responses to the interrogatories and document requests in dispute, and opposer has not complained about the adequacy of those supplemental responses, the motion to compel is denied as moot. Additionally, in view of the service of the supplemental discovery responses, opposer's alternative motion to exclude based on applicant's failure to provide such discovery is also denied as moot.

Proceedings are resumed.

Trial dates remain as set, in accordance with the Board's order dated March 4, 2008:

Discovery period:	CLOSED
30-day testimony period for plaintiff in the opposition to close:	June 30, 2008
30-day testimony period for defendant in the opposition and as plaintiff in the counterclaim to close:	August 29, 2008
30-day testimony period for defendant in the counterclaim and its rebuttal testimony as plaintiff in the opposition to close:	October 28, 2008

15-day rebuttal testimony period for plaintiff
in the counterclaim to close: December 12, 2008

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

Brief for plaintiff in the opposition shall be due: February 10, 2009

Brief for defendant in the opposition and as
plaintiff in the counterclaim shall be due: March 12, 2009

Brief for defendant in the counterclaim and its reply
brief (if any) as plaintiff in the opposition
shall be due: April 11, 2009

Reply brief (if any) for plaintiff in the
counterclaim shall be due: April 26, 2009

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.

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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>