

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

vw

Mailed: November 15, 2007

Opposition No. 91176901

Bodyonics, Ltd.

v.

Jeffrey Lee Kaplan, and
Ilie Iconcescu

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

Opposer's motion for summary judgment (filed July 2, 2007) and applicants' cross-motion for summary judgment (filed July 13, 2007) are noted. Since the filing of these motions for summary judgment, the parties have filed a myriad of other motions, cross-motions, briefs in opposition, replies, and sur-replies. The Board looks with disfavor on the bickering nature of both parties' filings.

Suspension

Proceedings herein are suspended pending disposition of the cross-motions for summary judgment. Any paper filed during the pendency of these motions which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d). The cross-motions for summary judgment will be decided in due course.

Pro Se Information

Applicants appear to be representing themselves. Applicants will be expected to comply with all applicable rules and Board practices during the remainder of this case.¹ It should be noted that while Patent and Trademark Rule 10.14 permits applicants to represent themselves, it is generally advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in an opposition proceeding to secure the services of an attorney who is familiar with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney.

If applicants do not retain counsel, then applicants will have to familiarize themselves with the rules governing this proceeding. The Trademark Rules are codified in part two of Title 37 of the Code of Federal Regulations (also referred to as the CFR). The CFR and the Federal Rules of Civil Procedure are likely to be found at most law libraries and may be available at some public libraries. The Board's manual of procedure will also be helpful.

On the World Wide Web, applicant may access most of these materials by logging onto <http://www.uspto.gov> and making the connection to trademark materials.

¹ Opposer's counsel is reminded that he also will be expected to comply with Board rules and practices.

Strict compliance with the Trademark Rules of Practice, and where applicable the Federal Rules of Civil Procedure, is expected of all parties before the Board, whether or not they are represented by counsel.

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>