

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

Baxley

Mailed: October 15, 2007

Opposition No. **91177540**

Point Mortgage

v.

OnPoint Community Credit Union

Andrew P. Baxley, Interlocutory Attorney:

On September 6, 2007, applicant filed an answer to the opposition and a counterclaim to cancel opposer's pleaded registration(s). Applicant filed the proper fee.

Opposer and counterclaim defendant, Point Mortgage, is allowed until **THIRTY DAYS** from the mailing date of this order to file an answer to the counterclaim. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below. 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.

THE PERIOD FOR DISCOVERY TO CLOSE:

March 24, 2008

30-day testimony period for
plaintiff in the opposition to close: June 22, 2008

30-day testimony period for defendant in the opposition
and as plaintiff in the counterclaim to close: August 21, 2008

30-day testimony period for defendant
in the counterclaim and its rebuttal testimony
as plaintiff in the opposition to close: October 20, 2008

15-day rebuttal testimony period for plaintiff
in the counterclaim to close: December 4, 2008

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

Brief for plaintiff in the opposition shall be due: February 2, 2009

Brief for defendant in the opposition and as
plaintiff in the counterclaim shall be due: March 4, 2009

Brief for defendant in the counterclaim and its reply
brief (if any) as plaintiff in the opposition
shall be due: April 3, 2009

Reply brief (if any) for plaintiff in the
counterclaim shall be due: April 18, 2009

If the parties stipulate to any extension of these dates,
the submissions should set forth the dates in the format shown
in this order. See Trademark Rule 2.121(d).

An oral hearing will be set only upon request filed as
provided by Trademark Rule 2.129.

New TTAB rules

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/stdagmnt.htm>