

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

DUNN

Mailed: September 12, 2008

Opposition No. 91178490

Medicis Pharmaceutical
Corporation

v.

Revance Therapeutics, Inc.

Elizabeth A. Dunn, Attorney:

On March 28, 2008, opposer filed a motion to substitute Medicis Pharmaceutical Corporation for Aesthetica Ltd. as party plaintiff. No response from applicant has been received.

In support of its motion opposer explains that Aesthetica Ltd. was merged into Medicis Aesthetics Holdings Inc., and then Medicis Aesthetics Holdings Inc. was merged into Medicis Pharmaceutical Corporation. The mergers are recorded with the USPTO Assignment Branch at Reel 3717, Frame 0938, and Reel 3718, Frame 0597. Where, as here, the assignor no longer exists, substitution of the assignee is appropriate. Trademark Trial and Appeal Board Manual of Procedure (TBMP) §512.01 (2nd ed. rev. 2004).

Opposition No. 91161925

Accordingly, opposer's motion to substitute is granted. All papers subsequently filed in this proceeding should use the caption set forth above.

Dates remain as set in the Board's July 1, 2008 order.

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>