

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

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Mailed: June 17, 2009

Opposition No. **91179090**

Elgo, Inc.

v.

Simplywell, LLC

Frances S. Wolfson, Interlocutory Attorney:

On June 9, 2009, applicant filed a proposed amendment to its application Serial No. 77090694, without opposer's consent.

By the proposed amendment, applicant seeks to change the identification of goods in International class 44:

from "Counseling in the field of smoking cessation"

to "Counseling in the field of smoking cessation offered through employer sponsored wellness plans."

In keeping with Board practice, consideration of the motion to amend is deferred until final decision.

See TMBP Section 514.03 (2d ed. rev. 2004) and cases cited therein. Trial dates remain as set on September 19, 2008.

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>