

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

BDB

Mailed: November 6, 2007

Opposition No. 91179145

Sportopia Entertainment, LLC
and William Hunt Archbold

v.

Eatertainment, Inc.

Angela Lykos, Interlocutory Attorney

On October 5, 2007, applicant filed an answer to the opposition and a counterclaim to cancel the pleaded registration.¹ Applicant filed the proper fee. Opposers and counterclaim defendants, Sportopia Entertainment, LLC and William Hunt Archbold, are 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

¹ Opposer Sportopia Entertainment, LLC is the exclusive licensee of the mark contained in pleaded Registration No. 2530510, which is owned by opposer William Hunt Archibold.

Opposition No. 91179145

within thirty days after completion of the taking of testimony. See Trademark Rule 2.125.

THE PERIOD FOR DISCOVERY TO CLOSE: March 14, 2008

30-day testimony period for plaintiff in the opposition to close: June 12, 2008

30-day testimony period for defendant in the opposition and as plaintiff in the counterclaim to close: August 11, 2008

30-day testimony period for defendant in the counterclaim and its rebuttal testimony as plaintiff in the opposition to close: October 10, 2008

15-day rebuttal testimony period for plaintiff in the counterclaim to close: November 24, 2008

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

Brief for plaintiff in the opposition shall be due: January 23, 2009

Brief for defendant in the opposition and as plaintiff in the counterclaim shall be due: February 22, 2009

Brief for defendant in the counterclaim and its reply brief (if any) as plaintiff in the opposition shall be due: March 24, 2009

Reply brief (if any) for plaintiff in the

counterclaim shall be due:

April 8, 2009

If the parties stipulate to any extension of these dates, the filing 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.

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>