

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

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Mailed: February 27, 2009

Opposition No. 91179897

Information Builders, Inc.

v.

Bristol Technologies, Inc.

By the Trademark Trial and Appeal Board:

By order dated October 9, 2008, the Board, *inter alia*, granted applicant's motion to amend its filing basis from use in commerce to intent to use to the extent that applicant was allowed time in which to submit a verification stating that applicant had a bona fide intention to use the mark in commerce as of the filing date of the application.

On October 27, 2008, applicant filed an appropriate and acceptable verification. Accordingly, applicant's subject application will be amended accordingly to reflect the intent to use filing basis. In light of the foregoing, opposer's motion for summary judgment (filed on April 3, 2008) on its claim of non-use is denied as moot and will be given no further consideration.

The Board's October 9, 2008 order also allowed applicant twenty days to file its answer to opposer's amended notice of

opposition. Inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to extend its time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed until **thirty days** from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).

Proceedings are otherwise suspended.

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>