

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

Mailed: June 17, 2009

Opposition No. 91180471

Marc Vianello

v.

Sandra L. Nudelman

**George C. Pologeorgis, Interlocutory Attorney:**

Proceedings herein are suspended pending disposition of opposer's motion for sanctions in the form of judgment filed on June 11, 2009. Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).

The Board also notes opposer's motion for summary judgment filed on June 11, 2009. A motion for summary judgment, if filed, should be filed prior to the commencement of the first testimony period, as originally set or reset, and the Board, in its discretion, may deny as untimely any motion for summary judgment filed thereafter. See Trademark Rule 2.127(e)(1).

In this instance, opposer's thirty-day testimony period, as reset by Board order dated December 31, 2008, closed on May 30, 2009 and, therefore, commenced on May 1, 2009. Inasmuch as opposer filed his motion for summary judgment after the

opening of his testimony period,<sup>1</sup> opposer's motion for summary judgment is **denied** as untimely and will be given no further consideration.

Notwithstanding the foregoing, proceedings are suspended pending the disposition of opposer's motion for sanctions in the form of judgment filed on June 11, 2009.

**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](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>

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<sup>1</sup> Indeed, opposer filed his motion for summary judgment after the close of his testimony period.