

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

MBA

Mailed: February 21, 2008

Opposition No. 91181548

Apple Inc.

v.

Randall L. Thompson

Michael B. Adlin, Interlocutory Attorney:

On January 14, 2008, opposer filed an amended notice of opposition. Pursuant to Fed. R. Civ. P. 15(a), a party to an inter partes proceeding before the Board may amend its pleading once as a matter of course at any time before a responsive pleading is served. An amendment filed as a matter of course need not be accompanied by a motion for leave to amend. See also Beth A. Chapman, *TIPS FROM THE TTAB: Amending Pleadings: The Right Stuff*, 81 Trademark Rep. 302(1991).

Inasmuch as there has been no responsive pleading filed in this case, opposer's amended notice of opposition is now opposer's operative pleading herein. Applicant is allowed until **March 20, 2008** to file its answer to the amended

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notice of opposition. Discovery and trial dates are reset as follows:

Time to Answer	March 20, 2008
Deadline for Discovery Conference	April 19, 2008
Discovery Opens	April 19, 2008
Initial Disclosures Due	May 19, 2008
Expert Disclosures Due	September 16, 2008
Discovery Closes	October 16, 2008
Plaintiff's Pretrial Disclosures	November 30, 2008
Plaintiff's 30-day Trial Period Ends	January 14, 2009
Defendant's Pretrial Disclosures	January 29, 2009
Defendant's 30-day Trial Period Ends	March 15, 2009
Plaintiff's Rebuttal Disclosures	March 30, 2009
Plaintiff's 15-day Rebuttal Period Ends	April 29, 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

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

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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>
