

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

Mailed: August 26, 2008

Opposition No. 91181883

Abbott Laboratories

v.

William Marsh

Jennifer Krisp, Interlocutory Attorney:

On August 5, 2008, opposer filed a consented motion to amend application, seeking entry of a proposed amendment to applicant's Application Serial No. 77136030. Thereafter, on August 12, 2008, opposer filed a consented motion to suspend proceedings for 60 days for finalization and fulfillment of a settlement agreement.

Consented motion to amend

By the proposed amendment applicant seeks to change the International Class 5 identification of goods from "dietary supplements" to "dietary supplements for livestock, namely an enzyme to relieve pain, inflammation and soreness."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, the motion is granted. The amendment is approved and entered. See Trademark Rule 2.133(a).

Consented motion to suspend

Opposer's consented motion to suspend is granted. See Trademark Rule 2.127(a). Because the parties are negotiating for possible settlement of this case, proceedings herein are suspended and will resume in accord with opposer's August 12, 2008 motion. See Trademark Rule 2.117(c).

The Board notes the parties' apparent intent to reset disclosure, discovery, pretrial disclosure, and trial dates based on a 60-day suspension and an initial disclosures due date of October 21, 2008. However, not all of the subsequent dates provided for in the parties' motion are accurate. In view thereof, disclosure, discovery, pretrial disclosure, and trial dates are hereby reset as follows:¹

Initial Disclosures Due	10/21/2008
Expert Disclosures Due	2/18/2009
Discovery Closes	3/20/2009
Plaintiff's Pretrial Disclosures	5/4/2009
Plaintiff's 30-day Trial Period Ends	6/18/2009
Defendant's Pretrial Disclosures	7/3/2009
Defendant's 30-day Trial Period Ends	8/17/2009
Plaintiff's Rebuttal Disclosures	9/1/2009
Plaintiff's 15-day Rebuttal	10/1/2009

¹ The parties shall note that, in the event that the parties do not settle this case, the opposition will proceed on the basis of the identification of goods, as amended.

Period Ends

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). 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>