

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

Mailed: October 2, 2009

Opposition No. 91182064

AS Holdings, Inc.

v.

H & C Milcor, Inc., f/k/a
Aquatico of Texas, Inc.

George C. Pologeorgis, Interlocutory Attorney:

On September 25, 2009, applicant filed a motion to extend the deadline for its pretrial disclosures from October 5, 2009 to October 19, 2009, as well as requested that all subsequent trial dates be reset accordingly. Applicant's motion states that applicant's counsel contacted opposing counsel who stated that he would not object to applicant's motion. The Board contacted opposer's counsel telephonically to ascertain whether opposing counsel would provide his express consent to applicant's motion to extend which he did.

Accordingly, applicant's motion to extend is granted and trial dates beginning with applicant's deadline for pretrial disclosures, are reset as follows:

Plaintiff's Pretrial Disclosures	10/19/2009
Plaintiff's 30-day Trial Period Ends	12/3/2009
Defendant's Pretrial	12/18/2009

Disclosures	
Defendant's 30-day Trial Period	
Ends	2/1/2010
Plaintiff's Rebuttal	
Disclosures	2/16/2010
Plaintiff's 15-day Rebuttal	
Period Ends	3/18/2010

As a final matter, the Board notes that, filed currently with its motion to extend, applicant filed copies of deposition transcripts under seal pursuant to Trademark Rule 2.126(d), which contained confidential/trade secret information subject to the Board's protective order. First, the Board notes that there is no Trademark Rule 2.126(d). Trademark Rule 2.126(c) concerns procedures for filing confidential information under seal with the Board. Nonetheless, the Board is perplexed by applicant's filing of these deposition transcripts at this time. If applicant intends to use these depositions as part of its testimony for trial, then applicant needs to file these deposition transcripts during applicant's testimony period. Inasmuch as these deposition transcripts contain confidential proprietary information, the Board has designated applicant's entire September 25, 2009 filing as confidential so that the general public may not view the filing via TTABVue and, therefore, protect the confidentiality of the documents submitted.