

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

MBA

Mailed: May 2, 2008

Opposition No. 91182604

Cornerstone Biopharma, Inc.

v.

Vision Pharma, LLC

Michael B. Adlin, Interlocutory Attorney:

On April 2, 2008, applicant filed an answer to the notice of opposition and counterclaims to cancel opposer's pleaded registrations. Applicant filed the proper fee. On April 30, 2008, the parties filed a stipulation to extend the time for opposer to file an answer to the counterclaims. The stipulation is granted. Trademark Rule 2.127(a).

Accordingly, opposer and counterclaim defendant, Cornerstone Biopharma, Inc., is allowed until **MAY 16, 2008** to file an answer to the counterclaims. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

In accordance with the Trademark Rules of Practice, the discovery, testimony and other dates are reset as indicated below. 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.

Answer to Counterclaim Due	May 16, 2008
Deadline for Discovery Conference	June 15, 2008
Discovery Opens	June 15, 2008
Initial Disclosures Due	July 15, 2008
Expert Disclosures Due	November 12, 2008
Discovery Closes	December 12, 2008
Plaintiff's Pretrial Disclosures	January 26, 2009
30-day testimony period for plaintiff's testimony to close	March 12, 2009
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	March 27, 2009
30-day testimony period for defendant and plaintiff in the counterclaim to close	May 11, 2009
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	May 26, 2009
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	July 10, 2009
Counterclaim Plaintiff's Rebuttal Disclosures Due	July 25, 2009
15-day rebuttal period for plaintiff in the counterclaim to close	August 24, 2009
Brief for plaintiff due	October 23, 2009
Brief for defendant and plaintiff in the counterclaim due	November 22, 2009
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	December 22, 2009
Reply brief, if any, for plaintiff in the counterclaim due	January 6, 2010

If the parties stipulate to any extension of these dates, the filing should set forth the dates in the format shown in this order. See Trademark Rule 2.121(d).

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>