

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

vb

Mailed: April 16, 2008

Opposition No. 91182780

Thierry Mugler Parfums
S.A.S.

v.

Tupperware Products S.A.

Vionette Baez, Paralegal:

The Board notes that on April 11, 2008, applicant filed via the Electronic System for Trademark Trials and Appeals (ESTTA) a consent motion form to extend its time to answer. The motion was automatically granted by the Board via ESTTA on the same day it was filed.

ESTTA's main page currently provides warnings which state:

DO NOT USE the ESTTA CONSENT MOTION FORMS if the PROCEEDING IS FILED ON OR AFTER NOVEMBER 1, 2007,

and

As the Board adapts the ESTTA system to accommodate the amended rules, users are urged to review the rules to ensure that attachments to ESTTA submissions meet the requirements of the amended rules. In addition, users must note any warnings posted on ESTTA screens or filing forms that may temporarily restrict their use to cases commenced prior to November 1, 2007, the effective date of many of the amended rules.

The ESTTA consent forms do not yet contemplate deadlines for required conferencing or disclosures under the Trademark Rules for cases commenced on or after November 1, 2007.¹

This opposition proceeding was filed on March 3, 2008; therefore, applicant should not have filed its consent motion form via ESTTA.² In view thereof, the automatically generated Board order of April 11, 2008 is vacated. Applicant's motion to extend is granted therein, and dates (including conferencing and disclosure) are reset as indicated below:

Time to Answer	5/13/2008
Deadline for Discovery Conference	6/12/2008
Discovery Opens	6/12/2008
Initial Disclosures Due	7/12/2008
Expert Disclosures Due	11/9/2008
Discovery Closes	12/9/2008
Plaintiff's Pretrial Disclosures	1/23/2009
Plaintiff's 30-day Trial Period Ends	3/9/2009
Defendant's Pretrial Disclosures	3/24/2009
Defendant's 30-day Trial Period Ends	5/8/2009
Plaintiff's Rebuttal Disclosures	5/23/2009
Plaintiff's 15-day Rebuttal Period Ends	6/22/2009

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

¹ Various rules governing Trademark Trial and Appeal Board inter partes proceedings were amended November 1, 2007. See "Miscellaneous Changes to Trademark Trial and Appeal Board Rules," 72 Fed. Reg. 42242 (August 1, 2007). The Federal Register notice is available at the Board's web page, on <http://www.uspto.gov/web/offices/dcom/ttab/index.html>.

² The parties may, and are encouraged to, submit their own consent motions via ESTTA; but the fill-in-the-blank consent motion forms provided by ESTTA should not be used.

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>