

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

Mailed: January 26, 2009

Opposition No. 91186986

LOEST & McNAMEE, INC.

v.

SHAUN ROBERTS ALLEN

Elizabeth J. Winter, Interlocutory Attorney:

The Board notes the appearance on January 21, 2009 of James B. Astrachan of Astrachan Gunst & Thomas, P.C., as counsel for applicant, SHAUN ROBERTS ALLEN, and such appearance has been entered herein.

However, the Board also notes that applicant has not yet responded to the Board's order mailed December 10, 2008, which required applicant to file with the Board within forty days thereof either an answer that is ratified by applicant (or applicant's U.S. counsel) or proof that applicant's New Zealand counsel has been approved by the USPTO Office of Enrollment and Discipline to represent applicant in this proceeding. In view of applicant's appointment of new counsel, applicant's technical default for failure to respond in regard to the answer is discharged and applicant is allowed **THIRTY DAYS** from the mailing date of this order to either submit a new answer or to ratify the answer

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submitted on November 24, 2008 by applicant's New Zealand counsel.

Proceeding Resumed

Proceedings are **RESUMED**. Conferencing, disclosure, discovery period and trial dates are reset as follows:

Time to Answer	2/25/2009
Deadline for Discovery Conference	3/27/2009
Discovery Opens	3/27/2009
Initial Disclosures Due	4/26/2009
Expert Disclosures Due	8/24/2009
Discovery Closes	9/23/2009
Plaintiff's Pretrial Disclosures	11/7/2009
Plaintiff's 30-day Trial Period Ends	12/22/2009
Defendant's Pretrial Disclosures	1/6/2010
Defendant's 30-day Trial Period Ends	2/20/2010
Plaintiff's Rebuttal Disclosures	3/7/2010
Plaintiff's 15-day Rebuttal Period Ends	4/6/2010

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. See Trademark Rule 2.125, 37 C.F.R. § 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b), 37 C.F.R. §§ 2.128(a) and (b). An

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oral hearing will be set only upon request filed as provided by Trademark Rule 2.129, 37 C.F.R. § 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>