

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

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Mailed: November 19, 2008

Opposition No. 91187017

Take Two Interactive
Software, Inc.

v.

Devone Lawson, Inc.

Angela Lykos, Interlocutory Attorney

On October 29, 2008, opposer filed an amended notice of opposition in this case. Pursuant to Fed. R. Civ. P. 15(a), a party to an inter partes proceeding before the Board may amend its pleading once as a matter of course at any time before a responsive pleading is served. An amendment filed as a matter of course need not be accompanied by a motion for leave to amend. See also Beth A. Chapman, TIPS FROM THE TTAB: Amending Pleadings: The Right Stuff, 81 Trademark Rep. 302(1991).

Inasmuch as there has been no responsive pleading filed in this case, opposer's amended notice of opposition is now opposer's operative pleading herein. Applicant's

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time to answer the amended notice of opposition as well as all other dates are reset as follows:

Time to Answer	12/19/2008
Deadline for Discovery Conference	1/18/2009
Discovery Opens	1/18/2009
Initial Disclosures Due	2/17/2009
Expert Disclosures Due	6/17/2009
Discovery Closes	7/17/2009
Plaintiff's Pretrial Disclosures	8/31/2009
Plaintiff's 30-day Trial Period Ends	10/15/2009
Defendant's Pretrial Disclosures	10/30/2009
Defendant's 30-day Trial Period Ends	12/14/2009
Plaintiff's Rebuttal Disclosures	12/29/2009
Plaintiff's 15-day Rebuttal Period Ends	1/28/2010

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

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standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>