

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

Winter/nmt

Mailed: March 31, 2009

Opposition No. 91188371

SUNSTAR AMERICAS, INC.

v.

I DID IT, Inc.

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

On March 23, 2009, applicant filed a proposed amendment to its application Serial No. 76677501, via the USPTO TEAS electronic filing system.

The Board notes that the amendment fails to include proof of service on opposer as required by Trademark Rule 2.119. In order to expedite this matter, copies are forwarded herewith to opposer's counsel. Notwithstanding, strict compliance with Trademark Rule 2.119 is required by applicant in all future papers filed with the Board. Otherwise, any non-compliant submission will not be considered.

Because this application is subject to the Board's jurisdiction, Trademark Rule 2.133, 37 C.F.R. § 2.133, applies; and applicant should have filed its amendment in accordance with the filing procedures governing Board proceedings.

In accordance with the provisions thereof, an application which is the subject of a Board *inter partes* proceeding may

Opposition No. 91188371

not be amended in substance, except with the consent of the other party or parties and the approval of the Board, or upon motion. See Trademark Rule 2.133(a), 37 CFR § 2.133(a).

In view of the foregoing, opposer is allowed until **THIRTY DAYS** to file its consent to applicant's proposed amendment, failing which the Board may defer consideration of applicant's proposed amendment until determination of this proceeding at final decision or upon summary judgment.

Proceedings herein are otherwise **suspended**.



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>