

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

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Mailed May 18, 2009

Opposition No. 91189611

Hansen Beverage Company

v.

Cytosport, Inc.

Lalita R. Greer, Paralegal Specialist:

On May 15, 2009, applicant filed an answer to the opposition and a counterclaim to cancel opposer's pleaded registration(s). Applicant filed the proper fee.

Opposer and counterclaim defendant, Hansen Beverage Company, is allowed until **THIRTY DAYS** from the mailing date of this order to file an answer to the counterclaim. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

In accordance with the Trademark Rules of Practice, conferencing, disclosure, discovery and testimony period 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	June 17, 2009
Deadline for Discovery Conference	July 17, 2009
Discovery Opens	July 17, 2009
Initial Disclosures Due	August 16, 2009
Expert Disclosures Due	December 14, 2009
Discovery Closes	January 13, 2010
Plaintiff's Pretrial Disclosures	February 27, 2010
30-day testimony period for plaintiff's testimony to close	April 13, 2010
Defendant/Counterclaim Plaintiff's Pretrial disclosures	April 28, 2010
30-day testimony period for defendant and plaintiff in the counterclaim to close	June 12, 2010
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	June 27, 2010
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	August 11, 2010
Counterclaim Plaintiff's Rebuttal Disclosures Due	August 26, 2010
15-day rebuttal period for plaintiff in the counterclaim to close	September 25, 2010
Brief for plaintiff due	November 24, 2010

Brief for defendant and
plaintiff in the counterclaim due December 24, 2010

Brief for defendant in
the counterclaim
and reply brief, if any for plaintiff
due January 23, 2011

Reply brief, if any, for plaintiff in
The counterclaim due February 7, 2011

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>