

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

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Mailed: February 1, 2011

Opposition No. 91193335

Embarcadero Technologies,
Inc.

v.

RStudio, Inc.

Ann Linnehan, Interlocutory Attorney

Opposer's objection to applicant's motion to amend (filed November 30, 2010) and applicant's response to opposer's objection to applicant's motion to amend (filed December 20, 2010) are noted. The Board notes that applicant's motion to amend was previously decided in the Board's order of November 29, 2010.

Opposer's consented motion (filed January 14, 2011) to extend opposer's pretrial disclosures due date only is granted. Trademark Rule 2.127(a).

Opposer's pretrial disclosure due date is reset in accordance with opposer's motion. All other testimony periods remain as set and are copied as follows:

Plaintiff's 30-day Trial Period Ends :	02/13/2011
Defendant's Pretrial Disclosures :	02/28/2011
Defendant's 30-day Trial Period Ends :	04/14/2011
Plaintiff's Rebuttal Disclosures :	04/29/2011
Plaintiff's 15-day Rebuttal Period Ends :	05/29/2011

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.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

The Board notes that January 14, 2011 opposer filed with the Board a copy of its pretrial disclosures that were apparently served on counsel for applicant. However, pretrial disclosures, like requests for discovery, responses thereto, and materials or depositions obtained through the discovery process, should not be filed with the Board except when submitted (1) with a motion relating to discovery; or (2) in support of or response to a motion for summary judgment; or (3) under a notice of reliance during a party's testimony period; or (4) as exhibits to a testimony deposition; or (5) in support of an objection to proffered evidence on the ground that the evidence should

have been, but was not, provided in response to a request for discovery. See Trademark Rule 2.120(j)(8).

In view thereof, opposer is advised that the Board will give no further consideration to opposer's pretrial disclosures.