

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

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Mailed: October 3, 2013

Opposition No. 91202957

Manpower Inc. d/b/a
ManpowerGroup

and

Right Management Inc.

v.

Humanly Possible, Inc.

**Before Kuhlke, Mermelstein, and Hightower,
Administrative Trademark Judges**

By the Board:

On April 15, 2013, opposers informed the Board that the civil action which occasioned the suspension of this proceeding has been terminated in opposers' favor and that the judgment rendered therein has not been appealed by applicant.¹ Based on this final disposition of the civil action, opposers now request that judgment be entered

¹ Opposers' filing fails to indicate proof of service on applicant as required by Trademark Rule 2.119. While it is apparent from applicant's response that applicant has reviewed the filing, strict compliance with Trademark Rule 2.119 is required by opposers in all future papers filed with the Board.

against applicant in this proceeding. On May 3, 2013, applicant filed its opposition to opposer's request.²

In reviewing the district court decision as well as the pleadings attached to opposers' February 6, 2012, motion to suspend proceedings pending disposition of the civil action, the Board finds that there is no basis in the district court's decision to enter judgment in this proceeding. Notwithstanding that this proceeding was suspended pending disposition of the civil action, such suspension was more the result of applicant's failure to respond to opposers' motion than any finding that the civil action may have a bearing on this opposition proceeding. Indeed, it is apparent that the district court action is unrelated to this proceeding considering that the district court's decision pertained to the question of likelihood of confusion as opposed to the question of mere descriptiveness, which is the basis of this proceeding. Further, the mark involved in this proceeding, i.e., THE EXTRAORDINARY IS HUMANLY POSSIBLE, was not even involved in the civil action. In view thereof, opposers' motion for entry of judgment is hereby **DENIED**.

² Applicant has also failed to indicate proof of service on opposer as required by Trademark Rule 2.119. To expedite this matter, opposer is referred to <http://ttabvue.uspto.gov/ttabvue/v?pno=91202957&pty=OPP&eno=11> to view a copy of the filing.

Turning now to the filing of March 8, 2013, applicant's attorneys seek to withdraw as applicant's counsel of record in this case.³ The request to withdraw as counsel is in compliance with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40, and is accordingly **GRANTED**. Mary E. Innis, Esq. and the law firm of Innis Law Group LLC, no longer represent applicant in this proceeding. Additionally, it appears from applicant's May 3, 2013, change of correspondence filing that it seeks to proceed *pro se* in this matter. Applicant's correspondence address has, therefore, been accordingly updated.

Proceedings herein are **RESUMED** and dates are **RESET** as follows:

Deadline for Discovery Conference	10/31/2013
Discovery Opens	10/31/2013
Initial Disclosures Due	11/30/2013
Expert Disclosures Due	3/30/2014
Discovery Closes	4/29/2014
Plaintiff's Pretrial Disclosures Due	6/13/2014
Plaintiff's 30-day Trial Period Ends	7/28/2014
Defendant's Pretrial Disclosures Due	8/12/2014
Defendant's 30-day Trial Period Ends	9/26/2014
Plaintiff's Rebuttal Disclosures Due	10/11/2014
Plaintiff's 15-day Rebuttal Period Ends	11/10/2014

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 taking of testimony. Trademark Rule 2.125.

³ A copy of said request has been placed in both the

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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.

A copy of this order has been sent to all persons listed below.

cc:

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opposition file and the application file.