

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

tlc

Mailed: September 26, 2012

Opposition No. 91206556

Laverana GmbH & Co. KG

v.

SkinMedica, Inc.

**Robert H. Coggins,  
Interlocutory Attorney:**

On September 24, 2012, applicant filed an answer to the notice of opposition and a counterclaim to cancel opposer's pleaded Registration Nos. 2687717, 3799692, 3835200, 3874214, and 3988013.<sup>1</sup>

Counterclaim Applies to Class 3

It is noted that Registration No. 2687717 contemplates a single class of goods, No. 3799692 contemplates three classes, No. 3835200 contemplates two classes, No. 3874214 contemplates a single class, and No. 3988013 contemplates a single class. It is also noted that applicant paid a fee sufficient to cancel only a single class in each registration, and specified

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<sup>1</sup>Opposer also pleaded against application Serial No. 77697439 in the counterclaim; however, inasmuch as the application is still in the examination stage, the Board has no jurisdiction over the application.

on the ESTTA coversheet that the single class to be cancelled in each registration is Class 3 -although applicant did not specify this class in the body of the counterclaim petition. In view thereof, and in view of Trademark Rule 2.111(c)(3)(ii) which would otherwise create the same result, the fees submitted by applicant with the counterclaim have been applied against Registration No. 2687717 in its entirety (i.e., to Class 3), No. 3799692 for Class 3 only, No. 3835200 for Class 3 only, No. 3874214 in its entirety (i.e., to Class 3), and No. 3988013 in its entirety (i.e., to Class 3).

Answer Due

Opposer and counterclaim defendant, Laverna GmbH & Co. KG, is allowed until October 29, 2012, to file an answer to the counterclaim. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

Schedule

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	October 29, 2012
Deadline for Discovery Conference	November 26, 2012
Discovery Opens	November 26, 2012
Initial Disclosures Due	December 26, 2012
Expert Disclosures Due	April 25, 2013
Discovery Closes	May 25, 2013

Plaintiff's Pretrial Disclosures	July 9, 2013
30-day testimony period for plaintiff's testimony to close	August 23, 2013
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	September 7, 2013
30-day testimony period for defendant and plaintiff in the counterclaim to close	October 22, 2013
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	November 6, 2013
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	December 21, 2013
Counterclaim Plaintiff's Rebuttal Disclosures Due	January 5, 2014
15-day rebuttal period for plaintiff in the counterclaim to close	February 4, 2014
Brief for plaintiff due	April 5, 2014
Brief for defendant and plaintiff in the counterclaim due	May 5, 2014
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	June 4, 2014
Reply brief, if any, for plaintiff in the counterclaim due	June 19, 2014

If the parties stipulate to any extension of these dates, the filing should set forth the dates in the format shown in this order. See Trademark Rule 2.121(d).

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.