

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

mc

Mailed: September 17, 2008

Opposition No. 92044697

ACM Enterprises, Inc.
v.

Jeannette Martello

Ann Linnehan, Attorney

Now before the Board is opposer's consented motion to extend proceedings in view of the parties' settlement discussions. Opposer's motion is GRANTED to the extent that proceedings are suspended for **three** months from the mailing date of this order, subject to the right of either party to request earlier resumption. If no word is sooner heard from either party, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

We note that this proceeding has entered its third year. By the end of the suspension granted herein, the parties will have had substantial time to engage in settlement. Accordingly, no further extensions for such

purposes will be granted absent a strong showing of good cause therefor.¹

Trial dates upon resumption, including the close of discovery, are reset as follows:

Proceedings resume:	12/17/08
Discovery Period to close:	CLOSED
30-day testimony period for party in position of plaintiff to close:	3/17/09
30-day testimony period for party in position of defendant to close:	5/16/09
15-day rebuttal testimony period to close:	6/30/09

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.

¹ Such a showing must include - at a minimum - a written report, signed by both parties, informing the Board of (1) the settlement efforts the parties have made to date, including dates and times at which the parties have met, conferred, or corresponded regarding settlement; (2) a list of issues which have been resolved and which remain for trial; and (3) a firm timetable for the resolution of this matter. The parties are cautioned, however, that further extensions are unlikely to be granted.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

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>