

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

MBA

Mailed: October 3, 2008

Opposition No. 92045648

Freemantlemedia North
America, Inc.

v.

Idol Writer, LLC

Michael B. Adlin, Interlocutory Attorney:

Petitioner's motion to compel filed August 21, 2008, but not its motion for sanctions, filed the same day, is hereby granted as conceded. Trademark Rule 2.127(a); *Central Mfg., Inc. v. Third Millenium Technology, Inc.*, 61 USPQ2d 1210 (TTAB 2001); *Boston Chicken, Inc. v. Boston Pizza Int'l, Inc.*, 53 USPQ2d 1053 (TTAB 1999).

Respondent is hereby ordered to serve no later than **THIRTY DAYS** from the mailing date of this order its responses, without objection, to petitioner's first set of interrogatories and first requests for production of documents. *See, No Fear, Inc. v. Rule*, 54 USPQ2d 1551 (TTAB 2000).

In the event respondent fails to respond to petitioner's discovery requests as ordered herein,

Cancellation No. 92045648

respondent may be subject to sanctions, potentially including entry of judgment against it. Trademark Rule 2.120(g); Fed. R. Civ. P. 37(b)(2).

Petitioner's requests for admission are deemed admitted. TBMP § 407.03(a) (2d ed. rev. 2004).

Petitioner's motion for sanctions is denied because respondent has neither violated a Board order related to discovery, nor affirmatively indicated its intention to not respond. Trademark Rule 2.120(g).

Discovery and trial dates are reset as follows:

Discovery Period to Close:	January 5, 2009
30-day testimony period for party in position of plaintiff to close:	April 5, 2009
30-day testimony period for party in position of defendant to close:	June 4, 2009
15-day rebuttal testimony period to close:	July 19, 2009

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.

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/stdnagmnt.htm>
