

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

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Mailed: August 12, 2008

Cancellation No. 92045935

Titan International, Inc.

v.

Nissan Jidosha Kabushiki
Kaisha

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

Applicant's consented motion for suspension (filed July 3, 2008) is granted.

In the event that the parties seek further extensions of time or periods of suspension to facilitate any settlement discussions, the parties must support such requests for enlargement of time with a **detailed report** (without disclosing confidential information or matter) on the progress of their discussions.

Proceedings herein are suspended until January 15, 2009, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall

resume without further notice or order from the Board, upon
the schedule set out below.

THE PERIOD FOR DISCOVERY TO CLOSE: February 15, 2009

30-day testimony period for party in position of plaintiff
in the cancellation to close: May 16, 2009

30-day testimony period for defendant in the
cancellation
and as plaintiff in the counterclaim to close: July 15, 2009

30-day testimony period for defendant in the
counterclaim
and its rebuttal testimony as plaintiff in the
cancellation to close: September 13, 2009

15-day rebuttal testimony period for plaintiff in the
counterclaim to close: October 28, 2009

Briefs shall be due as follows:
[See Trademark rule 2.128(a)(2)].

Brief for plaintiff in the cancellation shall be due: December 27, 2009

Brief for defendant in the cancellation and as
plaintiff in the counterclaim shall be due: January 26, 2010

Brief for defendant in the counterclaim and its reply
brief (if any) as plaintiff in the cancellation
shall be due: February 25, 2010

Reply brief (if any) for plaintiff in the
counterclaim shall be due: March 12, 2010

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.

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>