

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

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Mailed: September 19, 2008

Cancellation No. 92046796

BCG Partners, Inc.,
substituted for eSpeed, Inc.

v.

eSpeedient Systems, LLC

Angela Lykos, Interlocutory Attorney

Extension of Time Granted

Petitioner's consented motion filed September 15, 2008 to extend discovery and trial dates is granted. Trademark Rule 2.127(a).

The discovery and trial dates are reset in accordance with petitioner's motion.

Motion to Substitute Granted

Petitioner's consented motion to substitute BCG Partners, Inc. filed on May 27, 2008 is granted. Trademark Rule 2.127(a). Evidence of the assignment of petitioner's pleaded registrations in this case is recorded with the Assignment Branch at Reel 3760, Frame 0277.

Withdrawal of Attorney Granted

The Board now turns its attention to respondent's request to withdraw as respondent's counsel of record in this case

filed on September 16, 2008. 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. The law firm of Drinker Biddle & Reath LLP no longer represents respondent in this proceeding.

In view of the withdrawal of respondent's counsel, and in accordance with standard Board practice, proceedings herein are suspended, and respondent is allowed until thirty days from the mailing date of this order to appoint new counsel, or to file a paper stating that respondent chooses to represent itself. If respondent files no response, the Board may issue an order to show cause why default judgment should not be entered against respondent based on respondent's apparent loss of interest in the case.

The parties will be notified by the Board when proceedings are resumed, and dates will be rescheduled at the appropriate time.

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

cc:

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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>