

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

MBA

Mailed: March 27, 2008

Cancellation No. 92048879

Nor-Cal Beverage Co., Inc.

v.

Irene J. Ortega, dba Go Girl
Activewear

Michael B. Adlin, Interlocutory Attorney:

On March 25, 2008, respondent filed an answer to the petition to cancel and a counterclaim to cancel petitioner's pleaded registration. Respondent filed the proper fee.

Petitioner and counterclaim defendant, Nor-Cal Beverage Co., Inc., is allowed until **APRIL 28, 2008** to file an answer to the counterclaims. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

Discovery, trial and other 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	April 28, 2008
Deadline for Discovery Conference	May 28, 2008
Discovery Opens	May 28, 2008
Initial Disclosures Due	June 27, 2008

Cancellation No. 92048879

Expert Disclosures Due	October 25, 2008
Discovery Closes	November 24, 2008
Plaintiff's Pretrial Disclosures	January 8, 2009
30-day testimony period for plaintiff's testimony to close	February 22, 2009
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	March 9, 2009
30-day testimony period for defendant and plaintiff in the counterclaim to close	April 23, 2009
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	May 8, 2009
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	June 22, 2009
Counterclaim Plaintiff's Rebuttal Disclosures Due	July 7, 2009
15-day rebuttal period for plaintiff in the counterclaim to close	August 6, 2009
Brief for plaintiff due	October 5, 2009
Brief for defendant and plaintiff in the counterclaim due	November 4, 2009
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	December 4, 2009
Reply brief, if any, for plaintiff in the counterclaim due	December 19, 2009

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).

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

Cancellation No. 92048879

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>