

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: January 16, 2003

Opposition No. 91/153,785

Serial No. 75/893,212

CLEO DELAWARE, INC.

v.

WGBH EDUCATIONAL FOUNDATION

ERIC ADAM BRASS  
WGBH EDUCATIONAL FOUNDATION  
125 WESTERN AVENUE  
BOSTON, MA 02134

**Andrew P. Baxley, Interlocutory Attorney:**

On June 1, 2001, opposer Cleo Delaware, Inc. ("opposer"), filed a notice of opposition to registration of the mark shown in application Serial No. 75/893,212, thereby commencing this proceeding. Fed. R. Civ. P. 3 and Trademark Rule 2.106(a). A copy of the pleading is forwarded herewith to applicant's attorney.

Subsequently, on July 3, 2001, pursuant to Fed. R. Civ. P. 15(a) and Trademark Rule 2.107, opposer filed an amended notice of opposition. A copy of the amended pleading is also forwarded herewith to applicant's attorney. Inasmuch as a plaintiff may amend its notice of opposition at any time before an answer is served as a matter of course, the amended notice of opposition is accepted and is opposer's operative pleading herein. See TBMP Section 507.02.

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that became effective October 9, 1998. See Notice of Final Rulemaking published in the *Official Gazette* on September 29, 1998 at 1214 TMOG 145. Slight corrections to the rules, resulting in a correction notice, were published in the *Official Gazette* on October 20, 1998 at 1215 TMOG 64. A copy of the recent amendments to the Trademark Rules, as

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well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.

**ANSWER TO THE AMENDED NOTICE OF OPPOSITION IS DUE FORTY DAYS** after the mailing date hereof. (See Patent and Trademark Rule 1.7 for expiration dates falling on Saturday, Sunday, or a holiday).

**Discovery and testimony dates are set 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.

Discovery period to open: **February 05, 2003**

Discovery period to close: **August 04, 2003**

Testimony period for party in position of plaintiff to close: **November 02, 2003**  
(opening thirty days prior thereto)

Testimony period for party in position of defendant to close: **January 01, 2004**  
(opening thirty days prior thereto)

Rebuttal testimony period to close: **February 15, 2004**  
(opening fifteen days prior thereto)

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.

NOTE: This proceeding is subject to the pilot project on telephone disposition of interlocutory matters. See the Official Gazette notice titled "*Pilot Project on Telephone Disposition of Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board*," 1213 TMOG 151 (August 18, 1998). A hard copy of the notice announcing the pilot project is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone (202) 512-1800). The notice is also available at <http://www.uspto.gov>. Any interlocutory matter proposed for discussion or resolution during a Board approved phone conference may be decided adversely to any party which fails to participate.

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If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.