

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

DUNN
Mailed: September 25, 2007

Opposition No. 91157532

FOX ENTERTAINMENT GROUP INC
AND TWENTIETH CENTURY FOX
FILM CORPORATION

v.

IVY SILBERSTEIN

Elizabeth A. Dunn, Attorney:

Proceedings herein were suspended pending the disposition of the civil action between the parties. On September 7, 2007, opposer notified the Board that the civil action and the appeal were concluded, and attached copies of the district and appellate court orders.

Upon review, the Board finds that the court's order is not determinative of this proceeding. In granting opposer's motion for summary judgment on the ground of trademark infringement, the district court found that applicant did not have a protectible interest in its mark because the mark is not yet in use, and the United States Court of Appeals for the Second Circuit affirmed the district court's decision on the same basis. Inasmuch as the opposed application is based on

applicant's allegation of a bona fide intent to use the mark in commerce, the findings of the court do not provide a basis for dismissal or entry of judgment in this proceeding.

Accordingly, proceedings herein are resumed and applicant is allowed until thirty days from the mailing date of this order to file her answer to the notice of opposition.

Discovery and trial dates are reset below:

DISCOVERY PERIOD TO CLOSE:	March 27, 2008
Thirty-day testimony period for party in position of plaintiff to close:	June 25, 2008
Thirty-day testimony period for party in position of defendant to close:	August 24, 2008
Fifteen-day rebuttal testimony period to close:	October 8, 2008

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/stndagmnt.htm>