

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

ryan

Mailed: October 1, 2004

Opposition No. 91157919

Martha Stewart Living  
Omnimedia, Inc.

v.

American Publishing, LLC

and

Mars Advertising Company, Inc.  
(joined as party defendant)

**Karyn K. Ryan, Interlocutory Attorney  
Trademark Trial and Appeal Board:**

Opposer's July 26, 2004 consented motion to join Mars Advertising Company, Inc. ("Mars") is hereby granted. Inasfar as it appears that the subject application, Serial No. 76083594, was assigned<sup>1</sup> to Mars after the commencement of this proceeding and because opposer consents to the proposed joinder, we find that joinder is appropriate. See TBMP § 512.01 (2d. ed., rev., March 2004).

---

<sup>1</sup> The assignment was recorded with the Assignment Branch of the USPTO at Reel/Frame 2884/0567.

The case caption has been updated accordingly to reflect to joinder of Mars herein.<sup>2</sup>

Opposer's consented motion, filed July 26, 2004, to extend discovery and trial dates is **granted** to the extent corrected below.

The close of discovery and trial dates are **reset** as follows.<sup>3</sup>

|                                                                              |                         |
|------------------------------------------------------------------------------|-------------------------|
| DISCOVERY PERIOD TO CLOSE:                                                   | <b>October 16, 2004</b> |
| 30-day testimony period for party in the position of plaintiff to close:     | <b>January 14, 2005</b> |
| 30-day testimony period for party in the position of the defendant to close: | <b>March 15, 2005</b>   |
| 15-day rebuttal period for party in the position of the plaintiff to close:  | <b>April 29, 2005</b>   |

**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.

---

<sup>2</sup> The Board has designated Mr. Andrew Basile of Young & Basile, P.C. as lead counsel to whom the Board may send correspondence intended for all the defendants in this proceeding. Mr. Basile is therefore responsible for making and distributing copies of all Board correspondence to each defendant, or their attorney or other authorized representative, and for coordinating the conduct of all the defendants in this case. If the defendants intend that another attorney act as lead counsel and that correspondence be received by another attorney on behalf of all defendants to this proceeding, the Board must be so informed in writing and a proper written change of address must be submitted. Trademark Rule 2.18.

<sup>3</sup> If the parties seek to extend discovery or the trial schedule in this case, any future consented motions to extend should set forth all dates in the format shown in this order. See Trademark Rule 2.121(d).

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.

\* \* \* \* \*

**Notice Regarding TTAB Electronic Resources and New Rules**

- TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.
- Parties should also be aware of changes in the rules affecting trademark matters, including rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003) Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes are available at [www.uspto.gov](http://www.uspto.gov).
- The second edition of the Trademark Trial and Appeal Board Manual of Procedure (TBMP) has been posted on the USPTO web site at [www.uspto.gov/web/offices/dcom/ttab/tbmp/](http://www.uspto.gov/web/offices/dcom/ttab/tbmp/).