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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91158240
Party	Plaintiff UNITED INDUSTRIES CORPORATION d/b/a/ SPECTRUM BRANDS SPECTRUM BRANDS
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Attachments	motion_re_stip_of_depo_subm.pdf (3 pages)(83905 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: OMS Investments, Inc.
Application Serial No. 76/477,706
Publication Date: June 10, 2003
Trademark: ANT STOP

UNITED INDUSTRIES CORPORATION	)	Opposition No. 91158240
	)	
Opposer,	)	
	)	
v.	)	MOTION SEEKING APPROVAL
	)	OF STIPULATION REGARDING
OMS INVESTMENTS, INC.	)	SUBMISSION OF DEPOSITION
	)	
Applicant.	)	

Opposer United Industries Corporation and applicant OMS Investments, Inc. hereby jointly seek the Board's approval of the parties' stipulation waiving the formal requirements of 37 C.F.R. 2.123(e)(5), (f) and (g), and 37 C.F.R. 2.125 as described herein. Specifically, in an effort to conserve costs and limit the inconvenience to the parties and the Board, the parties hereto have stipulated that for all deposition testimony to be submitted to the Board in this opposition, whether conducted during the discovery or testimony periods, the parties waive the formal requirements of 37 C.F.R. 2.123(e)(5), (f) and (g) and 37 C.F.R. 2.125 pertaining to the deposition transcripts and exhibits. It is the parties' intent in entering into this stipulation to minimize the inconvenience to the parties and counsel and to waive all formal requirements to the submission of deposition transcripts to the Board.

In addition, the parties have further stipulated that counsel for OMS will be responsible for filing with the Board copies of the four discovery depositions and their exhibits during its testimony period; however, testimony depositions shall be filed prior to the submission of the case for final decision by the party who conducts such depositions. Copies, rather than certified copies, of the transcripts, and electronic copies of exhibits, may be filed with the

Board. Prior to filing a transcript, the party responsible for filing it shall be responsible for making any changes to the transcript that were specified in writing by the witness, by writing the correction above the original text in the transcript itself.

This written stipulation is consistent with and expands upon the parties' prior oral stipulation memorialized during the continuation of the deposition of United Industries, Inc. with James Guard taken on December 14, 2007. Accordingly, the parties hereby ask the Board to approve the parties' agreement regarding the submission of deposition testimony to the Board as specified above. The parties have reserved the right to assert all other objections to the testimony.

Dated: 1/25/2008

THOMPSON COBURN, LLP

By: /Jason M. Schwent/
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CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing document was sent to the following attorneys for Applicant, via first-class mail, postage prepaid on January 25, 2008:

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