

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

Mailed: June 3, 2008

Opposition No. 91166941

INTRACELL NUTRITION INC.

v.

CUMMINGS, JOSEPH JAMES

Tina Craven, Paralegal Specialist:

On March 27, 2008, the Board allowed the parties thirty days to inform the Board of the status of the civil action which occasioned the suspension of this proceeding. The parties were further advised that failing which, the proceeding will be resumed and appropriate dates reset.

The record shows no response thereto.

Accordingly, proceedings herein are resumed below:

DISCOVERY PERIOD TO CLOSE: 9/1/08

30-day testimony period for party in
position of plaintiff to close: 11/30/08

30-day testimony period for party in
position of defendant to close: 1/29/09

15-day rebuttal testimony period to close: 3/15/09

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>