

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

Mailed: July 17, 2008

Opposition No. 91167301

W.C. Bradley/Zebco Holdings,  
Inc.

v.

Shakespeare Company, LLC

George C. Pologeorgis, Interlocutory Attorney:

Applicant's consented motion (filed July 11, 2008) to extend discovery for ninety days and reset testimony periods accordingly is noted.

In support of its consented motion to extend, applicant states that the parties have resolved all issues in the opposition with the sole exception that principally relates to whether opposer may use composite marks or terms that include applicant's mark in compliance with restrictions governing that use.

The Board, however, finds a ninety day extension inappropriate and unduly lengthy especially inasmuch as (1) the parties have stated that only a single issue remains to be resolved in order to achieve settlement and (2) for a period of over two years the parties have sought numerous

requests for suspension and/or to extend in order to accommodate the parties' settlement negotiations, yet settlement has still not been reached. The parties need to either settle or proceed with this case.

In view thereof, the applicant's consented motion to extend discovery is granted to the extent that discovery is extended for only **forty-five days** and trial dates are reset accordingly as indicated below. The parties are further advised that the Board **will not** entertain any further requests to suspend and/or extend, whether consented to or not, **absent a showing of extraordinary circumstances**.

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|--|-------------------|
| DISCOVERY PERIOD TO CLOSE:   | <b>8/28/2008</b>  |
| Testimony period for party in position of plaintiff<br>to close: (opening thirty days prior thereto) | <b>11/26/2008</b> |
| Testimony period for party in position of defendant<br>to close:(opening thirty days prior thereto)  | <b>1/25/2009</b>  |
| Rebuttal testimony period to close:<br>(opening fifteen days prior thereto)                          | <b>3/11/2009</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.

Briefs shall be filed in accordance with Trademark Rules 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](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>