

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

Mailed: December 18, 2008

Opposition No. 91167354

May Department Stores
International, Inc

v.

Luxi Group, Inc., assignee of
Odimo Acquisition Corporation

George C. Pologeorgis, Interlocutory Attorney:

The Board notes that since June 2006, the parties have effected numerous extensions of discovery and trial dates and stipulations to suspend this proceeding to accommodate the parties' settlement negotiations, yet no settlement has been reached. If the parties agree to another extension or suspension, they will be expected to report to the Board on the progress of their settlement negotiations. Such report **must include** a recitation of issues that have been resolved, issues that remain to be resolved, and a firm timetable for resolution. Absent such a report, any future motion to extend or suspend, even though agreed to by the parties, may not be granted.

Applicant's consented motion (filed December 16, 2008) to extend the close of discovery and reset testimony periods is

granted. Accordingly, discovery and trial dates are reset as follows:

DISCOVERY PERIOD TO CLOSE:	3/23/2009
Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto)	6/21/2009
Testimony period for party in position of defendant to close:(opening thirty days prior thereto)	8/20/2009
Rebuttal testimony period to close: (opening fifteen days prior thereto)	10/4/2009

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>