

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

MBA

Mailed: May 28, 2008

Opposition No. 91167763

Mars, Incorporated

v.

Walton & Post, Inc.

Michael B. Adlin, Interlocutory Attorney:

Before addressing applicant's consent motion for yet another extension, filed May 23, 2008, the Board notes that this case is now over two years old and the pleadings have yet to close. Enough is enough. Applicant's answer is due within **THIRTY DAYS** of the mailing date of this order, and no further extensions of time to answer will be granted, even if consented.

Furthermore, while applicant's consent motion to extend the discovery and testimony periods is hereby granted, Trademark Rule 2.127(a), and discovery and testimony dates are reset as set forth in the consent motion, the parties are hereby advised that no further requests for extension of time or suspension will be granted, even if consented, unless the parties report to the Board, in detail, on the

progress of any ongoing settlement negotiations. Such a report must include: a statement of issues that have been resolved and issues that remain to be resolved, and a firm timetable for resolution. Absent such a report, any future motion to extend or suspend may not be approved, even though agreed to by the parties.

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>
