

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

Mailed: January 17, 2008

Opposition No. **91169664**

The Coleman Company, Inc.

v.

Coleman Natural Products, Inc.

Cheryl Goodman, Interlocutory Attorney:

It has come to the Board's attention that the most recent trial schedule set forth by the parties on July 6, 2007, and approved by the Board on July 6, 2007, was in error as it did not include the dates for the counterclaim in this proceeding.

The parties are advised that the consent motion ESTTA forms should not be used to file a request to extend trial dates in cases involving counterclaims because the system is not able to calculate the counterclaim dates. Therefore, all extension requests should be electronically filed as regular motions to extend and should not be filed using the ESTTA consent form motions.

Discovery and trial dates are properly set forth as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:

February 2, 2008

30-day testimony period for
plaintiff in the opposition to close: May 2, 2008

30-day testimony period for defendant in the opposition
and as plaintiff in the counterclaim to close: July 1, 2008

30-day testimony period for defendant
in the counterclaim and its rebuttal testimony
as plaintiff in the opposition to close: August 30, 2008

15-day rebuttal testimony period for plaintiff
in the counterclaim to close: October 14, 2008

Briefs shall be due as follows:
[See Trademark rule 2.128(a)(2)].

Brief for plaintiff in the opposition shall be due: December 13, 2008

Brief for defendant in the opposition and as
plaintiff in the counterclaim shall be due: January 12, 2009

Brief for defendant in the counterclaim and its reply
brief (if any) as plaintiff in the opposition
shall be due: February 11, 2009

Reply brief (if any) for plaintiff in the
counterclaim shall be due: February 26, 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
Rules 2.128(a) and (b). An oral hearing will be set only
upon request filed as provided by Trademark Rule 2.129.

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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>