

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

nmt

Mailed: March 4, 2009

Opposition No. 91170572

Growmark, Inc.

v.

Ashland Inc.

Cheryl Goodman, Interlocutory Attorney:

Opposer's February 25, 2009, consented motion to extend testimony periods is noted. Trademark Rule 2.127(a).

In the Board's June 16, 2008 order, the parties were informed that any further extensions or suspensions of time must be accompanied by a *detailed report* of the progress of their settlement negotiations, including issues that have been resolved, issues that remain to be resolved, and a firm timetable for resolution. While the motion does indicate that the parties are discussing the amendment of the mark, the parties have failed to include all information they are required to report, including a timetable for resolution.

In view thereof, opposer's consented motion is denied.

Trial dates remain as set in the Board's September 18, 2008 order.

NEWS FROM THE TTAB:

Opposition No. 91170572

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>