

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

Mailed: December 20, 2007

Opposition No. 91172018

MENPER DISTRIBUTORS INC.

v.

ESTABLECIMIENTOS ANCALMO S.A.
DE C.V.

Frances S. Wolfson, Interlocutory Attorney:

On December 17, 2007, the parties contacted the above-referenced Board interlocutory attorney by telephone to discuss the scheduling of discovery and trial dates in this case. Applicant was represented by Tiffany Parcher, Esq. and opposer by Amaury Cruz, Esq.

During the telephone conference, the Board clarified that proceedings are not automatically suspended as a result of the filing of a request for reconsideration. Applicant therefore orally moved for suspension of proceedings pending disposition of applicant's request for reconsideration of the Board's November 16, 2007 order, or, in the alternative, for an order resetting its time to respond to opposer's discovery requests. Opposer objected to applicant's oral motion.

The parties reached agreement on several issues, and the Board made its ruling with respect to the contested motion. For sake of expediency, the Board will not repeat the parties' arguments herein but will simply set forth the Board's holdings below.

IT IS HEREBY ADJUDGED:

1. The motion to suspend is denied.
2. Applicant is allowed until January 22, 2008 to serve its responses to opposer's first set of interrogatories, requests for production of documents, and admission requests.
3. Opposer is allowed until January 7, 2008 to respond to applicant's request for reconsideration.
4. Trial dates, including the close of discovery, are reset as indicated below.

THE PERIOD FOR DISCOVERY TO CLOSE: March 14, 2008

30-day testimony period for
plaintiff in the opposition to close: June 12, 2008

30-day testimony period for defendant in the opposition
and as plaintiff in the counterclaim to close: August 11, 2008

30-day testimony period for defendant
in the counterclaim and its rebuttal testimony
as plaintiff in the opposition to close: October 10, 2008

15-day rebuttal testimony period for plaintiff
in the counterclaim to close: November 24, 2008

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

Brief for plaintiff in the opposition shall be due: January 23, 2009

Brief for defendant in the opposition and as
plaintiff in the counterclaim shall be due: February 22, 2009

Brief for defendant in the counterclaim and its reply
brief (if any) as plaintiff in the opposition
shall be due: March 24, 2009

Reply brief (if any) for plaintiff in the
counterclaim shall be due: April 8, 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.

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>