

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

BDB

Mailed: October 12, 2007

Opposition No. 91174723

Dean Elliott

v.

Bodywise Limited

Angela Lykos, Interlocutory Attorney

On May 18, 2007, applicant filed a motion to compel responses to its first set of interrogatories and first set of document production requests. Insofar as the Board is not in receipt of a responsive brief from opposer, applicant's motion to compel is now granted as conceded. See Trademark Rule 2.127(a).

In view thereof, opposer is hereby ordered to provide full and complete responses, without objections to applicant's first set of interrogatories and first set of document production requests THIRTY (30) days from the mailing date of this order, failing which, the Board may entertain a motion for sanctions, including the entry of judgment under Trademark Rule 2.120(g)(1).

The close of discovery and trial dates are reset as follows:

DISCOVERY PERIOD TO CLOSE: **December 10, 2007**

30-day testimony period for party in
position of plaintiff to close: **March 9, 2008**

30-day testimony period for party in
position of defendant to close: **May 8, 2008**

15-day rebuttal testimony period for
plaintiff to close: **June 22, 2008**

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. See 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>