

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

Mailed: December 12, 2007

Opposition No. 91174723

Dean Elliott

v.

Bodywise Limited

**Angela Campbell, Paralegal Specialist:**

Opposer's consented motion filed December 10, 2007 to extend discovery and trial dates is granted.

In view thereof, the discovery and trial dates are reset in accordance with opposer's motion as indicated below:<sup>1</sup>

THE PERIOD FOR DISCOVERY TO CLOSE: February 8, 2008

Testimony period for party in  
position of plaintiff to close: May 8, 2008  
(opening thirty days prior thereto)

Testimony period for party in  
position of defendant to close: July 7, 2008  
(opening thirty days prior thereto)

Rebuttal testimony period to close August 21, 2008  
(opening fifteen days prior thereto)

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<sup>1</sup> However, in the future, consented motions to extend discovery and/or testimony periods should comply with the requirement of Trademark Rule 2.121(d). That rule requires that stipulated or consented motions to extend those time periods be presented in the form used in a trial order.

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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 Rule 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](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.ht>