

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

Lykos/JD

Mailed: January 24, 2008

Opposition No. 91175940

Maryellenkane

v.

Olive Oil World Trade, S.L.

Angela Lykos, Interlocutory Attorney:

This case now comes up on opposer's combined motion to compel and motion to extend discovery solely for opposer, filed November 16, 2007.

Applicant has filed no response thereto.

Accordingly, opposer's motion to compel is granted as conceded. See Trademark Rules 2.120(e) and 2.127(a). Moreover, applicant, by failing to timely respond to the discovery request, has forfeited its right to object to the requests on their merits. See *Envirotech Corp. v. Campagnie Des Lampes*, 219 USPQ 448 (TTAB 1979). Applicant is ordered to respond in full and without objections, to opposer's first set of interrogatories and opposer's first set of requests for production of documents and things THIRTY (30) DAYS from the mailing dated of this order, failing which the

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Board may entertain a formal motion for sanctions, including judgment, pursuant to Trademark Rule 2.120(g).¹

In addition, opposer's motion to extend the discovery period solely for opposer is granted as conceded. In accordance, therewith, the discovery and trial periods are reset as follows:

DISCOVERY PERIOD TO CLOSE FOR APPLICANT:	Closed.
DISCOVERY PERIOD TO CLOSE FOR OPPOSER	March 24, 2008
30-day testimony period for party in the position of plaintiff to close:	June 22, 2008
30-day testimony period for party in the position of the defendant to close:	August 21, 2008
15-day rebuttal period for party in the position of the plaintiff to close:	October 5, 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. 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.

¹ The Board also notes that applicant did not respond to opposer's first set of requests for admissions. By operation of Fed. R. Civ. P. 36, the requests for admissions stand admitted.

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>