

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

Mailed: April 1, 2009

Opposition No. 91176125

National Tobacco Company,
L.P.

v.

Beech-Nut Nutrition
Corporation

George C. Pologeorgis, Interlocutory Attorney:

By order dated February 10, 2009, the Board denied applicant's consented motion to amend its application on the ground that applicant employed improper wording in its proposed amendment to its identification of goods. The Board allowed applicant thirty days from the mailing date of the Board's February 10, 2009 order in which to submit a revised amendment with opposer's consent for the Board's consideration which complies with Board rules and regulations.

The record shows no response from applicant. In view thereof, proceedings herein are resumed on the schedule set forth below and the opposition will go forward on the application as originally filed.

Applicant is allowed twenty days from the mailing date of this order in which to file and serve its answer to the notice of opposition.

The trial schedule is reset as follows:

DISCOVERY PERIOD TO CLOSE: **8/1/2009**

Testimony period for party in position of plaintiff **10/30/2009**
to close: (opening thirty days prior thereto)

Testimony period for party in position of defendant **12/29/2009**
to close:(opening thirty days prior thereto)

Rebuttal testimony period to close: **2/12/2010**
(opening fifteen days prior thereto)

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,

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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>