

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

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Mailed: August 5, 2008

Opposition No. 91176398

The Mentholatum Company

v.

OxyBand Technologies Inc

Linda Skoro, Interlocutory Attorney

Motion for Extension of Time Granted

Opposer's consented motion filed March 26, 2008 to extend discovery and trial dates is granted. However, as indicated below, proceedings are suspended for thirty days.

Withdrawal of Attorney Granted

On May 1, 2008, applicant's attorneys filed a request to withdraw as applicant's counsel of record in this case.¹ The request to withdraw as counsel is in compliance with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40, and is accordingly granted. The law firm of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC no longer represents applicant in this proceeding.

In view of the withdrawal of applicant's counsel, and in accordance with standard Board practice, proceedings herein are suspended, and applicant is allowed until thirty days from the mailing date of this order to appoint new counsel, or to file a paper stating that applicant chooses to represent itself. If applicant files no response, the Board may issue an order to show cause why default judgment should not be entered against applicant based on applicant's apparent loss of interest in the case.

The parties will be notified by the Board when proceedings are resumed, and dates will be rescheduled at the appropriate time.

A copy of this order has been sent to all persons listed below.

cc:

Amie Franklin
OxyBand Technologies, Inc.
33 Bayview Terrace
Mill Valley, CA 94941

Christine M. Baker
Mintz, Levin, Cohen, Ferris, Glovsky and Popeo, PC
666 Third Avenue
New York, NY 10017

Leigh Ann Lindquist
Sughrue Mion
2100 Pennsylvania Ave., NW
Washington, DC 20037

¹ A copy of said request has been placed in both the opposition file and the application file.

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>