

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

Mailed: November 21, 2007

Opposition No. 91177023

One Touch Systems, Inc.

v.

Apple Inc.

**Angela Campbell, Paralegal Specialist:**

Applicant's consented motion filed November 15, 2007 to extend discovery and trial dates is granted.<sup>1</sup>

In view thereof, the discovery and trial dates are reset in accordance with applicant's motion as indicated below:<sup>2</sup>

THE PERIOD FOR DISCOVERY TO CLOSE: December 16, 2007

30-day testimony period for  
plaintiff in the opposition to close: March 15, 2008

30-day testimony period for defendant in the opposition  
and as plaintiff in the counterclaim to close: May 14, 2008

---

<sup>1</sup> The parties are advised, however, that to continue to seek further extensions after this period expires, the parties will be expected to make a showing of good cause for any further extensions. This is true even when both parties stipulate to the request. The parties may also consider suspending proceedings if they are attempting to negotiate a settlement.

<sup>2</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.

**Opposition No. 91177023**

30-day testimony period for defendant  
in the counterclaim and its rebuttal testimony  
as plaintiff in the opposition to close:

July 13, 2008

15-day rebuttal testimony period for plaintiff  
in the counterclaim to close:

August 27, 2008

Briefs shall be due as follows:  
[See Trademark rule 2.128(a)(2)].

Brief for plaintiff in the opposition shall be due:

October 26, 2008

Brief for defendant in the opposition and as  
plaintiff in the counterclaim shall be due:

November 25, 2008

Brief for defendant in the counterclaim and its reply  
brief (if any) as plaintiff in the opposition  
shall be due:

December 25, 2008

Reply brief (if any) for plaintiff in the  
counterclaim shall be due:

January 9, 2009

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.htm>