

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

vb

Mailed: September 24, 2008

Opposition No. 91178579

Health Net, Inc.

v.

State of Missouri,
Department of Social
Services Services

Cheryl Goodman, Interlocutory Attorney:

On August 28, 2008, applicant filed a proposed amendment to its application Serial No. 77092542.

By the proposed amendment applicant seeks to add the underlined wording to the identification of goods as follows:

"Government funded health care services for needy Missourians, namely government funded disease management programs administered by the State of Missouri and provided to Missourians who apply to the State of Missouri for the State-sponsored programs and who are deemed eligible by the State as meeting the residency requirements, income and/or asset limitations, and other qualifications set forth in State and Federal statutes and regulations; Government funded health care services for needy Missourians, namely government funded wellness programs administered by the State of Missouri and provided to Missourians who apply to the State of Missouri for the State-sponsored programs and who are deemed eligible by the State as meeting the residency requirements, income and/or asset limitations, and other qualifications set forth in State and Federal statutes and regulations; Government funded medical assistance services for needy Missourians, namely government funded programs administered by the State of Missouri and provided to Missourians who apply to the State of Missouri for the State-sponsored programs and who are deemed eligible by the State as meeting the residency requirements,

income and/or asset limitations, and other qualifications set forth in State and Federal statutes and regulations".

Applicant indicates that its motion to amend is not on consent, and opposer has not filed any response to applicant's motion.

The Board finds that applicant's amendment is one in substance. Accordingly, decision on the amendment is deferred until final decision or until the case is decided upon summary judgment. TBMP Section 514.03 (2d. ed. rev. 2004).

The stipulated protective agreement filed on September 18, 2008 is noted and its use in this proceeding is approved. The parties are referred, as appropriate, to TBMP §§ 412.03 (Signature of Protective Order), 412.04 (Filing Confidential Materials With Board), 412.05 (Handling of Confidential Materials by Board).

The parties are advised that only confidential or trade secret information should be filed pursuant to a stipulated protective agreement. Such an agreement may not be used as a means of circumventing paragraphs (d) and (e) of 37 CFR § 2.27, which provide, in essence, that the file of a published application or issued registration, and all proceedings relating thereto, should otherwise be available for public inspection.

Dates remain as last reset by the Board order dated July 9, 2008.

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>