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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91180212
Party	Plaintiff Schering Corporation
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SCHERING CORPORATION,)	
)	
Opposer,)	
)	
v.)	Opposition No.: 91/180,212
)	Appln. Serial No. 77/070,074
IDEA AG,)	Mark: DIRACTIN
)	
Applicant.)	
)	

**OPPOSER’S BRIEF IN RESPONSE TO “APPLICANT’S SECOND MOTION FOR
MODIFICATION OF THE BOARD’S STANDARD PROTECTIVE ORDER
(TBMP§412.02(a))”**

Schering Corporation (“Opposer” or “Schering”) hereby opposes Applicant, Idea AG’s (“Applicant” or “Idea”), Second Motion for Modification of the Trademark Trial and Appeal Board’s (“Board”) Standard Protective Order pursuant to Trademark Rule 2.127(a).

On February 4, 2009 the Board denied Applicant’s first Motion for Modification of the Board’s Standard Protective Order holding that “By operation of Trademark Rule 2.116(g), the Board’s standard protective order is currently applicable to this proceeding, and was applicable as of August 31, 2007.” (Board Order, page 3.) The Board has already ruled on this matter in this case, indirectly referring to the 2007 Rules changes to Board procedure.

Moreover, while the Board encouraged the parties to continue conferring on a protective order, it made clear that "...the Board will not impose on the parties a modified protective order to which they have not achieved agreement," (Board Order, page 3.)

The parties, through counsel, have been unable to agree on a Stipulated Protective Order. The Board must again deny Applicant's Motion for Modification of the Board's Standard Protective Order.

Schering Corporation respectfully requests that the Board deny Idea's Second Motion for Modification of the Trademark Trial and Appeal Board's Standard Protective Order.

Respectfully submitted,

SCHERING CORPORATION

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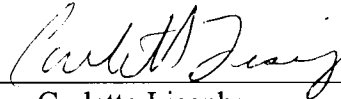
Date: May 7, 2009

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing OPPOSER'S BRIEF IN RESPONSE TO "APPLICANT'S SECOND MOTION FOR MODIFICATION OF THE BOARD'S STANDARD PROTECTIVE ORDER (TBMP§412.02(a))" was served on counsel for Applicant, this 7th day of May, 2009, by sending same via First Class mail, prepaid, to:

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