

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

tdc

Mailed: March 24, 2008

Opposition No. 91180640

NBTY, Inc.

v.

Osteotech, Inc.

Tyrone Craven, Paralegal Specialist:

Applicant's consented motion filed February 15, 2008 to extend time to file its answer to the notice of opposition is granted. Trademark Rule 2.127(a).

Accordingly, answer and trial dates, including conferencing and disclosure dates, are reset as indicated below:

Time to Answer	4/1/2008
Deadline for Discovery Conference	5/1/2008
Discovery Opens	5/1/2008
Initial Disclosures Due	5/31/2008
Expert Disclosures Due	9/28/2008
Discovery Closes	10/28/2008
Plaintiff's Pretrial Disclosures	12/12/2008
Plaintiff's 30-day Trial Period Ends	1/26/2009
Defendant's Pretrial Disclosures	2/10/2009
Defendant's 30-day Trial Period Ends	3/27/2009
Plaintiff's Rebuttal Disclosures	4/11/2009
Plaintiff's 15-day Rebuttal Period Ends	5/11/2009

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/stdagmnt.htm>