

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

Mailed: September 25, 2008

Opposition No. 91180647

The Coca-Cola Company

v.

Sunlight Saunas, Inc.

**Clara Vela, Paralegal Specialist**

On May 19, 2008, applicant filed (via ESTTA) a consented motion to suspend proceedings for 90 days which included a new date for applicant to file its answer (August 23, 2008) and a new trial schedule. A review of the record shows that there was a discrepancy in the dates set forth in the electronically generated suspension order and the time that applicant was allowed to answer in the order granting the suspension, also dated May 19, 2008. In the motion to suspend, applicant was allowed until August 23, 2008 to file its answer but in the order granting the suspension, applicant was allowed thirty days from resumption to file its answer (September 17, 2008).<sup>1</sup>

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<sup>1</sup> The answer filed by applicant on September 11, 2008 is noted.

In view thereof, in order to avoid any confusion in relation to the conferencing, disclosure, discovery and trial dates, the trial schedule is amended as follows:

|   |            |
|---|------------|
| Deadline for Discovery Conference       | 10/26/2008 |
| Discovery Opens                         | 10/26/2008 |
| Initial Disclosures Due                 | 11/25/2008 |
| Expert Disclosures Due                  | 3/25/2009  |
| Discovery Closes                        | 4/24/2009  |
| Plaintiff's Pretrial Disclosures        | 6/8/2009   |
| Plaintiff's 30-day Trial Period Ends    | 7/23/2009  |
| Defendant's Pretrial Disclosures        | 8/7/2009   |
| Defendant's 30-day Trial Period Ends    | 9/21/2009  |
| Plaintiff's Rebuttal Disclosures        | 10/6/2009  |
| Plaintiff's 15-day Rebuttal Period Ends | 11/5/2009  |

**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](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>