

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

AM

Mailed: October 29, 2009

Opposition No. 91181555

Pinkberry, Inc.

v.

Joontack Lee

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

On October 23, 2009, opposer filed a copy of its pretrial disclosures. The filing is accompanied by a certificate of service, dated September 23, 2009, on applicant.

Opposer is advised that pretrial disclosures, like requests for discovery, responses thereto, and materials or depositions obtained through the discovery process, should not be filed with the Board except when submitted (1) with a motion relating to discovery; or (2) in support of or in response to a motion for summary judgment; or (3) under a notice of reliance during a party's testimony period; or (4) as exhibits to a testimony deposition; or (5) in support of an objection to proffered evidence on the ground that the evidence should have been, but was not, provided in response to a request for discovery. See Trademark Rule 2.120(j)(8).

Opposition No. 91181555

In view thereof, the parties are advised that the Board will give no further consideration to opposer's pretrial disclosures, filed October 23, 2009.

Operative dates remain as set by opposer's consented scheduling motion, filed on August 21, 2009 and granted by order of the Board on the same day. Such dates are copied below:

Plaintiff's 30-day Trial Period Ends :	12/09/2009
Defendant's Pretrial Disclosures :	12/24/2009
Defendant's 30-day Trial Period Ends :	02/07/2010
Plaintiff's Rebuttal Disclosures :	02/22/2010
Plaintiff's 15-day Rebuttal Period Ends :	03/24/2010

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 Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

