

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

Mailed: September 20, 2008

Opposition No. 91181941

GW Pharma Limited

v.

Banner Pharmacaps Inc.

George C. Pologeorgis, Interlocutory:

By order dated June 12, 2008, the Board suspended the proceedings herein until August 11, 2008 and set resumption of this case to occur on August 12, 2008. By the same order, the Board noted that applicant's answer to the notice of opposition would be due thirty days from the resumption of these proceedings, i.e., September 12, 2008. Inasmuch as it appears that no answer has been filed, nor has applicant filed a motion to extend its time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed until **thirty days** from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with

Fed. R. Civ. P. 55(b), failing which judgment will be entered against applicant.¹

Proceedings are otherwise re-suspended.

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>

¹Inasmuch as the parties were pursuing settlement of this case, as demonstrated by their stipulated motion to suspend filed on June 12, 2008, the Board's notice of default issued on May 17, 2008 is hereby set aside.