

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

Mailed: April 13, 2009

Opposition No. 91183059

John Varvatos Apparel Corp.

v.

Franco, Joseph

George C. Pologeorgis, Interlocutory Attorney:

Opposer's consented motion (filed April 9, 2009) to extend disclosure, discovery and trial dates, beginning with the deadline for initial disclosures, is granted to the extent set forth below.<sup>1</sup> Trademark Rule 2.127(a).

Such dates are reset as follows:

Initial Disclosures Due	6/11/2009
Expert Disclosures Due	10/9/2009
Discovery Closes	11/8/2009
Plaintiff's Pretrial Disclosures	12/23/2009
Plaintiff's 30-day Trial Period Ends	2/6/2010
Defendant's Pretrial Disclosures	2/21/2010
Defendant's 30-day Trial Period Ends	4/7/2010

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<sup>1</sup> Opposer's consented motion to extend has miscalculated the permissible time under Board rules between the deadlines for initial disclosures and expert disclosures which, in turn, has caused a miscalculation of subsequent trial dates. The instant order corrects the miscalculations for the trial schedule.

Plaintiff's Rebuttal Disclosures	4/22/2010
Plaintiff's 15-day Rebuttal Period Ends	5/22/2010

**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>