

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

Mailed: February 20, 2009

Opposition No. 91187553

Aldi Inc.

v.

Leehar Distributors, Inc.

Karl Kochersperger, Paralegal

On February 10, 2009, the Board issued an order granting applicant's request to suspend proceedings, however, the order did not set the answer due date in accordance with applicant's motion. In view thereof, this order serves to correct the discrepancy in the Board's February 10, 2009 order. Applicant's motion to suspend filed January 27, 2009 is noted.

Proceedings remain suspended and all dates are reset as follows:

Time to Answer	3/12/09
Deadline for Discovery Conference	4/11/09
Discovery Opens	4/11/09
Initial Disclosures Due	5/11/09
Expert Disclosures Due	9/8/09
Discovery Closes	10/8/09
Plaintiff's Pretrial Disclosures	11/22/09
Plaintiff's 30-day Trial Period Ends	1/6/10
Defendant's Pretrial Disclosures	1/21/10
Defendant's 30-day Trial Period Ends	3/7/10
Plaintiff's Rebuttal Disclosures	3/22/10
Plaintiff's 15-day Rebuttal Period Ends	4/21/10

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>