

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

kk

Mailed: November 17, 2009

Cancellation No. 91187950

Triumph International, Inc.

v.

Michael Jackson

Linda Skoro, Interlocutory Attorney

Applicant's motion to reopen its opposition proceeding filed October 9, 2009 is noted. Opposer has not responded to applicant's motion. Accordingly, applicant's motion to reopen the opposition proceeding is granted as conceded.

Applicant is allowed until **FORTY DAYS** from the mailing date of this order in which to inform this Office of its correct address in order that all records may be amended. Compliance with Trademark Rule 2.193(b) and Trademark 2.119(a) is required.

If there has been any transfer of interest in the involved registration, applicant must so advise the Board and applicant must submit copies of the appropriate documents. See Section 10 of the Trademark Act and Patent and Trademark Rules 3.71 and 3.73.

In view of the circumstances, the time for filing an answer to the notice of opposition is extended to **FORTY DAYS** from the mailing date of this order. Notice is hereby given that unless the applicant listed herein, its assigns or legal representatives, shall enter an appearance, answer or other response to the notice of opposition within the time frame allowed, the opposition may proceed as in the case of default.

In accordance with the Trademark Rules of Practice, conferencing, disclosure, discovery and testimony dates are set below. 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.

Time to Answer	12/26/09
Deadline for Discovery Conference	1/25/10
Discovery Opens	1/25/10
Initial Disclosures Due	2/24/10
Expert Disclosures Due	6/24/10
Discovery Closes	7/24/10
Plaintiff's Pretrial Disclosures	9/7/10
Plaintiff's 30-day Trial Period Ends	10/22/10
Defendant's Pretrial Disclosures	11/6/10
Defendant's 30-day Trial Period Ends	12/21/10
Plaintiff's Rebuttal Disclosures	1/5/11
Plaintiff's 15-day Rebuttal Period Ends	2/4/11

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

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

NEWS FROM THE TTAB:

For faster handling of all papers, the TTAB strongly encourages electronic filing whenever possible. TTAB forms for electronic filings are available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABvue at <http://ttabvue.uspto.gov>.

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>