

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

jh

Mailed: March 9, 2009

Opposition No. 91188614

Comite Interprofessionel du  
Vin de Champagne

v.

David Dayan

**Elizabeth A. Dunn, Attorney (571-272-4267):**

On January 28, 2009, opposer filed a notice of opposition comprising an ESTTA (Electronic System for Trademark Trials and Appeals) opposition form which lists the opposer, the opposed application, and the grounds for opposition correctly, and an attachment which is the pleading for a different proceeding.

On February 9, 2009, applicant filed a motion to dismiss on the ground that he does not own the opposed application.

On March 2, 2009, opposer filed an amended notice of opposition which attaches a pleading which identifies the same application listed in the original ESTTA form, and a motion to amend the notice of opposition to allow opposer to correct its error.

On March 6, 2009, applicant filed an answer to the amended notice of opposition, which the Board construes as a withdrawal of its motion to dismiss.

Opposer's amended notice of opposition and applicant's answer is accepted.

Conference, disclosure, discovery, and trial dates remain as set in the Board's January 28, 2009 institution and trial order.

\*\*\*

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>