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

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Mailed: August 3, 2009

Opposition No. 91190546

Inverness Medical Switzerland GmbH

v.

Lincoln Neal

Frances S. Wolfson, Interlocutory Attorney:

On July 29, 2009, opposer filed a motion for leave to file an amended notice of opposition, together with a copy of its proposed amended notice. It is noted that the motion bears a certificate of service addressed to an individual other than applicant. There is no indication in the record that applicant's service address is other than applicant's own address.

In view thereof, it is presumed that service was made inadvertently on an unrelated third party. To ensure applicant's receipt of the motion, a copy is herewith enclosed with applicant's copy of this order.

Applicant is allowed until TWENTY DAYS from the mailing date of this order to file a written response to the motion to amend. A reply brief, if any, may be filed within fifteen days of service of applicant's response. See also Trademark Rule 2.119(c). For sake of efficiency, however, applicant is

requested to telephone the above interlocutory attorney within SEVEN DAYS from the mailing date of this order if applicant intends to object to the motion to amend so that the Board may set up a telephone conference with the parties to determine the motion in advance of the due date for applicant's written response. In such case, the Board would hear applicant's objections during the phone conference and no written response would be required.

Proceedings otherwise are suspended pending disposition of the motion for leave to amend. The parties should not file any paper which is not germane to the motion to compel. See Trademark Rule 2.120(e)(2).

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