

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

DUNN

Mailed: March 21, 2013

Opposition No. 91207440

Champion Window
Manufacturing and Supply
Company, LLC

v.

Comfort Window Co., Inc.

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

No consideration will be given to opposer's motion, filed February 25, 2013, to dismiss applicant's counterclaim and/or motion for summary judgment on the counterclaim.

Opposer's motion to dismiss has been superseded by applicant's amended counterclaim filed March 12, 2013. See Fed. R. Civ. P. 15(a)(1)(B). Opposer's time to file an answer to the amended counterclaim is set forth below.

Opposer's motion for summary judgment is premature. See Trademark Rule 2.127(e)(1).

The stipulated protective agreement filed on February 14, 2013 is noted and its use in this proceeding is

approved. The parties are referred, as appropriate, See TBMP §§ 412 (Protective Order), 412.04 (Filing Confidential Materials With Board), 412.05 (Handling of Confidential Materials by the Board).

The parties are advised that only confidential or trade secret information should be filed pursuant to a stipulated protective agreement. Such an agreement may not be used as a means of circumventing Trademark Rules 2.27(d) and (e), which provide, in essence, that the file of a published application or issued registration, and all proceedings relating thereto, should otherwise be available for public inspection.

Dates are reset as follows:

Answer to Counterclaim Due	April 19, 2013
Deadline for Discovery Conference	May 19, 2013
Discovery Opens	May 19, 2013
Initial Disclosures Due	June 18, 2013
Expert Disclosures Due	October 16, 2013
Discovery Closes	November 15, 2013
Plaintiff's Pretrial Disclosures	December 30, 2013
30-day testimony period for plaintiff's testimony to close	February 13, 2014
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	February 28, 2014
30-day testimony period for defendant and plaintiff in the counterclaim to close	April 14, 2014
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	April 29, 2014

30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	June 13, 2014
Counterclaim Plaintiff's Rebuttal Disclosures Due	June 28, 2014
15-day rebuttal period for plaintiff in the counterclaim to close	July 28, 2014
Brief for plaintiff due	September 26, 2014
Brief for defendant and plaintiff in the counterclaim due	October 26, 2014
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	November 25, 2014
Reply brief, if any, for plaintiff in the counterclaim due	December 10, 2014

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.

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