

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

vb

Mailed: February 25, 2009

Cancellation No. 92050081

Remington Health Products,
LLC

v.

Suiza Fruit Corporation

Ann Linnehan, Attorney

On October 21, 2008, the Board instituted this proceeding and allowed respondent until November 30, 2008 in which to file an answer to the petition to cancel. On November 25, 2008, respondent filed an "opposition to the petition to cancel" which the Board construes as respondent's answer.

On January 29, 2009, respondent filed a notice regarding the service of its first set of interrogatories and requests for production of documents. Respondent is advised that such notices, along with requests for discovery, responses thereto, and materials or depositions obtained through the discovery process should not be filed with the Board except when submitted (1) with a motion relating to discovery; or (2) in support of or in response to a motion for summary judgment; or (3) under a notice of reliance during a party's testimony period; or (4) as exhibits to a testimony deposition; or (5) in

support of an objection to proffered evidence on the ground that the evidence should have been, but was not, provided in response to a request for discovery. See Trademark Rule 2.120(j)(8).

In view thereof, the parties are advised that the Board will give no further consideration to the submission filed on January 29, 2009.

On February 23, 2009, the parties filed a joint stipulated motion to suspend proceedings for settlement negotiations.

In view of the parties' on-going settlement discussions, this proceeding is suspended until six months from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set forth below.

Conferencing, disclosure, discovery and trial dates are reset as follows:

Proceedings Resume:	8/25/2009
Deadline for Discovery Conference	9/24/2009
Discovery Opens	9/24/2009
Initial Disclosures Due	10/24/2009
Expert Disclosures Due	2/21/2010

Discovery Closes	3/23/2010
Plaintiff's Pretrial Disclosures	5/7/2010
Plaintiff's 30-day Trial Period Ends	6/21/2010
Defendant's Pretrial Disclosures	7/6/2010
Defendant's 30-day Trial Period Ends	8/20/2010
Plaintiff's Rebuttal Disclosures	9/4/2010
Plaintiff's 15-day Rebuttal Period Ends	10/4/2010

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

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

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