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

Mailed: March 7, 2011

Cancellation No. 92052548

VIRTUAL DIRECTORIES, INC.

v.

REGUS N°2 SARL

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

At noon, Eastern Time, March 3, 2011, the parties and the above-assigned Board attorney held a telephone conference. The subject matter of the conference concerned respondent's preference to have the Board's standardized protective order signed either by the parties or by the parties' attorneys. Present for petitioner was Stacey R. Halpern. Present for respondent was Jeffrey A. Lindenbaum. The parties and the Board discussed the matter. The following matters were also discussed: a modification of the dates remaining in the schedule; respondent's document production; and (briefly touched upon) respondent's proposal to amend the standardized protective order.

As the parties recognized, the standardized protective order is in place, without any further action, in Board proceedings. The Board offered additional insights about signing the protective order. Specifically, while the Board cannot require parties to sign the order, the Board encourages the parties to create a written

contract that will govern their actions outside of the Board proceeding by signing the standard protective order. *Miscellaneous Changes to Trademark Trial and Appeal Board Rules; Final Rule* 72 Federal Register 42242, 42251 (August 1, 2007). However, even where the parties do not do so, a party receiving confidential information in Board proceedings voluntarily takes on obligations that benefit the disclosing party and the Board. The disclosing party may have a remedy at law if a breach were to occur after conclusion of the Board proceeding. 72 Fed. Reg. at 42251 referencing *Alltrade, Inc. v. Uniweld Products, Inc.*, 946 F.2d 622, 20 USPQ2d 4698 n.11 (9th Cir. 1991).

The following was agreed upon and approved by the Board:

1. Ms. Halpern would sign the standard protective order and forward it to Mr. Lindenbaum today.

2. Mr. Lindenbaum would sign the standard protective order and file it with the Board either today or tomorrow.[1]

3. Mr. Lindenbaum would produce documents responsive to petitioner's discovery requests either today or tomorrow.

4. The Board will issue (and does so below) a schedule extending remaining dated by two weeks.[2]

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[1] Indeed, before this order was mailed, a copy of the standard protective order, executed by both parties, was filed. Such protective order is entered.

[2] Mr. Lindenbaum inquired about petitioner's position concerning the proposed modifications to the standard protective order, which he characterized as procedural in nature to assist, for example, in identification of documents for ease introducing such documents in depositions. Ms. Halpern provided an explanation. Mr. Lindenbaum decided not to pursue the matter.

The Board offered the parties any assistance with stipulations to narrow or focus the issues should they engage in trial. The Board now also encourages the parties to work together on any procedural aspects that they believe may make the remainder of the proceeding more efficient and productive.

Operative remaining dates are reset as follows:

Plaintiff's Pretrial Disclosures	**4/16/2011**
Plaintiff's 30-day Trial Period Ends	**5/31/2011**
Defendant's Pretrial Disclosures	**6/15/2011**
Defendant's 30-day Trial Period Ends	**7/30/2011**
Plaintiff's Rebuttal Disclosures	**8/14/2011**
Plaintiff's 15-day Rebuttal Period Ends	**9/13/2011**

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.l25.

Briefs shall be filed in accordance with Trademark Rules 2.l28(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.l29.

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