

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: September 17, 2007

Concurrent Use No. 94002255

Children's Chance

V.

The Children's Chance, Inc.

V.

Children's Change

CLARKE W. DUBOSE
HAYNSWORTH SINKLER BOYD P.A.
1201 MAIN STREET, SUITE 2200
COLUMBIA, SC 29201-3226
UNITED STATES

Serial No.: 78384127
Filed: 3/15/04

Angela Campbell, Paralegal Specialist:

A concurrent use proceeding involving your above-identified application is hereby instituted under the provisions of Section 2(d) of the Trademark Act of 1946. The proceeding will be conducted in accordance with the Rules of Practice in Trademark Cases, as set out in Title 37 of the Code of Federal Regulations.

The Children's Chance, Inc. and Children Change, the users referred to in your application, are being notified on this date of the institution of the concurrent use proceeding and are being supplied with a copy of your application, in accordance with the provisions of Rule 2.99. The users have been given until **40 days from the mailing date above** to file an answer under Rule 2.99. Should the users fail to file the required answer, the proceeding may be handled as in a case of default. See Rule 2.99(d)(3).

You are requested to advise the Board of any relevant applications or registrations, other than that already referenced herein, which should be included in this concurrent use proceeding. Your response, if any, should be in writing and should be filed on or before **40 days from the mailing date above.**

**DISCOVERY AND TESTIMONY PERIODS ARE SET AS
INDICATED BELOW.**

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. Rule 2.125.

Discovery period to open: **10/7/07**

Discovery period to close: **4/4/08**

30-day testimony period for party
in position of plaintiff to close: **7/3/08**

30-day testimony period for party
in position of defendant to close: **9/1/08**

15-day rebuttal testimony period
to close: **10/16/08**

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

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See TBMP § 502.06(a) (2d ed. rev. 2004).

If the parties to this proceeding are (or during the pendency of this proceeding, become) parties to another Board or civil proceeding involving related marks or other common issues of law or fact, they shall notify the Board immediately, so that the Board can consider consolidation or suspension of proceedings, if appropriate.

Cc:
The Children's Chance, Inc.
P.O. Box 845
Hopkins, MN 55343
UNITED STATES

Children's Change
Attn: Lorene Koletar
Westport National Bank
1495 Post Road East
Westport, CT 06880
UNITED STATES

New Developments at the Trademark Trial and Appeal Board

For faster handling of all papers, the TTAB strongly encourages electronic filing whenever possible. TTAB forms for electronic filings are available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABvue at <http://ttabvue.uspto.gov>.

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>