

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

Mailed: July 20, 2009

Opposition No. **91190389**

Bayer HealthCare LLC

v.

BioNovix, Inc.

Rochelle Ricks, Paralegal Specialist:

The Board has been notified on June 22, 2009, by the opposer of two possible alternative addresses for applicant. The notice instituting this proceeding and a copy of the notice of opposition were forwarded to opposer but were returned by the Postal Service as undeliverable.

Accordingly, the above notice is hereby remailed to applicant at address provided by opposer as listed below:

**BioNovix, Inc.
160 Greentree Drive #101
Dover, DE 19904**

**Roger L Cohen, Statutory Agent of BioNovix, Inc.
3220 North Central Avenue #2000
Phoenix, AZ 85011**

In view of the circumstances herein, the time for filing an answer to the notice of opposition is extended to **FORTY DAYS** from the mailing date of this order.

In accordance with the Trademark Rules of Practice,
discovery and testimony dates are reset as indicated below.

Time to Answer	8/29/09
Deadline for Discovery Conference	9/28/09
Discovery Opens	9/28/09
Initial Disclosures Due	10/28/09
Expert Disclosures Due	2/25/10
Discovery Closes	3/27/10
Plaintiff's Pretrial Disclosures	5/11/10
Plaintiff's 30-day Trial Period Ends	6/25/10
Defendant's Pretrial Disclosures	7/10/10
Defendant's 30-day Trial Period Ends	8/24/10
Plaintiff's Rebuttal Disclosures	9/8/10
Plaintiff's 15-day Rebuttal Period Ends	10/8/10

Briefs shall be filed in accordance with Trademark Rule 1.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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>