

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

Mailed: March 4, 2009

Opposition No. 91156321

THE CHAMBER OF COMMERCE OF
THE UNITED STATES OF AMERICA

v.

UNITED STATES HISPANIC
CHAMBER OF COMMERCE
FOUNDATION

Jennifer Krisp, Interlocutory Attorney:

On November 17, 2008 opposer filed a motion to modify the Board's scheduling order to permit opposer to offer rebuttal testimony. The motion was fully briefed. At the time the assigned interlocutory attorney contacted counsels for the purpose of scheduling a telephone conference to resolve the motion, counsels indicated their intent to finalize and file a stipulation which addressed certain evidentiary issues and provided for opposer's withdrawal of its motion upon the Board's approval of the stipulation. On February 12, 2009 opposer filed the parties' stipulation regarding the presentation of evidence.

On March 2, 2009 the Board convened a telephone conference. See Trademark Rule 2.120(i)(1); TBMP § 502.06(a) (2d ed. rev. 2004). Participating were opposer's counsel Erik C. Kane, applicant's counsel Raphael Gutierrez, and the assigned interlocutory attorney. During the conference, the following determinations were made.

The parties' stipulation filed on February 12, 2009 is hereby approved. The Board notes that, pursuant to paragraph 5 of said stipulation, as well as discussion during the conference, opposer's motion to modify the Board's scheduling order is withdrawn. Accordingly, the Board will give no further consideration to opposer's motion to modify, as well as opposer's motion (filed December 5, 2008) for leave to use trial testimony from Cancellation No. 92045876.

The parties indicated their intent to file, in Cancellation No. 92045876, a stipulation memorializing their agreement to brief and adjudicate all counterclaims filed therein.

Lastly, the parties interposed an oral consented motion to suspend this proceeding pending a final decision in related Cancellation No. 92045876, citing a desire to avoid redundant or duplicative efforts, the efficient use

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of time and resources, and the interest of judicial economy.

The motion to suspend is granted as well-taken. Opposition No. 91156321 is suspended pending final determination of Cancellation No. 92045876. See TBMP § 510.02(a) (2d ed. rev. 2004).¹

Within twenty (20) days after the final determination of Cancellation No. 92045876, the parties shall so notify the assigned interlocutory attorney in Opposition No. 91156321 and call this case up for any appropriate action and/or resetting of briefing periods. During the suspension period, the parties shall notify the Board of any address changes for the parties or their attorneys.

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:

¹ A proceeding is considered to have been finally determined when a decision on the merits of the case (i.e., a dispositive ruling that ends litigation on the merits) has been rendered, and no appeal has been filed therefrom, or all appeals filed have been decided. See TBMP § 510.02(b) (2d ed. rev. 2004).

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<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>