

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

Mailed: September 7, 2007

Opposition No. **91167758**

Austin Nichols & Co., Inc. dba
Pernod Ricard, U.S.A. Austin
Nichols & Co., Inc. dba Pernod
Ricard, U.S.A.

v.

Lodestar Anstalt

Cheryl Goodman, Interlocutory Attorney:

On July 6, 2006, the Board suspended proceedings pending the parties' motions that proceedings be suspended the final disposition of Opposition No. 91155165 which was on appeal to the United States Court of Appeals, Federal Circuit, and which decision may have a bearing on this proceeding.

Neither party has notified the Board of the conclusion of that case by which the Federal Circuit, on March 9, 2007, affirmed the Board's decision sustaining the opposition. Opposition No. 91155165 subsequently was terminated on May 7, 2007.

In view of the conclusion of Opposition No. 91155165 which occasioned suspension of this proceeding, proceedings are resumed.

Opposition No. 91167758

Applicant is allowed until THIRTY DAYS from the mailing date of this order to show cause why judgment should not be entered against it in this proceeding in view of the Board's decision sustaining the opposition in related Opposition No. 91155165 involving applicant's WILD TURKEY mark. In the event no response is received, judgment will be entered against applicant and registration of application Serial No. 79000112 shall be refused.

Proceedings herein remain otherwise suspended.

* * * *

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>