

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

MCF/BUTLER

Mailed: December 20, 2007

Opposition No. 91169250

9900 Santa Monica, Inc.

v.

The Friars National
Association, Inc.

**M. Catherine Faint,
Interlocutory Attorney:**

In an order dated November 10, 2006, the Board suspended proceedings herein pending disposition of civil litigation between the parties. On November 8, 2007, applicant informed the Board that the District Court granted applicant's motion for summary judgment in part and permanently enjoined opposer from using "FRIARS" or "FRIARS CLUB" alone or in any combination. *Friars National Association, Inc. v. 9900 Santa Monica, Inc.*, Civil Action No. CV05-4109 ODW (PLAx) (C.D. Cal. September 14, 2007). A copy of the court's order entering judgment in favor of applicant accompanies applicant's November 8, 2007 filing with the Board. Applicant requests that the opposition be dismissed in view of the judgment and entry of injunction in the civil action in its favor.

Opposer has not filed a response to applicant's notification to the Board concerning the disposition in the court case.

Opposer is allowed until **THIRTY DAYS** from the mailing date of this order to show cause judgment should not be entered against it based on its loss of interest in this opposition proceeding in view of the disposition entered in the court case. If no word is heard from opposer, applicant's motion to dismiss will be granted as conceded and this opposition will be dismissed with prejudice.

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>