

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

gcp/jk

Mailed: August 14, 2008

Opposition No. 91170135

DOROTHY TOVAR

v.

R & R PARTNERS INC.

George C. Pologeorgis, Interlocutory Attorney:

On December 21, 2007, this proceeding was suspended pending final disposition of an appeal, from the U.S. District Court for the District of Nevada ("District Court") to the U.S. Court of Appeals for the Ninth Circuit ("Court of Appeals"), of the civil action between the parties which occasioned an earlier suspension of this proceeding on June 30, 2006.

The Board notes that, on July 15, 2008, applicant, R & R Partners, Inc., filed a motion to reopen this opposition proceeding, wherein applicant (1) informed the Board that the Court of Appeals rendered a final determination in said appeal in applicant's favor, and (2) requested the lifting of the suspension and resumption of this opposition proceeding.

The record indicates that (1) the District Court, on May 17, 2007, and pursuant to 15 U.S.C. § 1119, ordered the cancellation of opposer's pleaded Registration Nos. 2930998 and 2986162, and (2) the Court of Appeals rendered a final decision, in the form of an April 10, 2008 Order on Mandate, dismissing opposer's appeal from the decision of the District Court. Accordingly, the District Court opinion in applicant's favor stands as the final disposition of the underlying civil action between the parties.

In view thereof, applicant's motion to resume proceedings is granted to the extent that opposer is allowed thirty (30) days from the mailing date of this order to show cause why judgment should not be entered in this opposition proceeding against opposer based on the District Court's disposition of Case 3:04-cv-00145-LRH-PAL, failing which the Board will dismiss this opposition with prejudice.

Proceedings herein remain otherwise suspended.

**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](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>