

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

tlc

Mailed: March 19, 2009

Opposition No. 91183140

Moby's Auto Spa, Inc.

v.

Whale Wash, LLC

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

Opposer's motion (filed February 25, 2009) to suspend the proceeding pending final determination of a civil action between the parties is hereby granted.¹ It is the policy of the Board to suspend proceedings when the parties are involved in a civil action, which may be dispositive of or have a bearing on the Board case. See Trademark Rules 2.117(a) and 2.127(a).

Accordingly, proceedings are suspended pending final disposition of the civil action between the parties.

Within twenty days after the final determination of the civil action, the parties shall so notify the Board and call this case up for any appropriate action. During the

¹ *Moby's Auto Spa, Inc. v. Whale Wash, LLC and Victor Elizalde*, Case No. CV09-01267 PSG FMOx in the United States District Court for the Central District of California.

suspension period, the parties shall notify the Board of any address changes for the parties or their attorneys.

Consideration of applicant's motion, filed February 2, 2009, to reopen discovery is deferred. The Board notes that opposer filed a response contesting applicant's motion.

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>