

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

Mailed: September 18, 2008

Opposition No. 91185538

Opposition No. 91185542

Rodale Inc.

v.

U.S. Preventive Medicine, Inc.

Cancellation No. 92049148

U.S. Preventive Medicine, Inc.

v.

Rodale Inc.

Cheryl Goodman, Interlocutory Attorney:

The Board finds it appropriate to consolidate the above-identified proceedings which involve identical parties, similar marks, and common questions of law and fact.

Accordingly, Opposition Nos. 91185538, 91185542, and Cancellation No. 92049148 are hereby consolidated and, although each proceeding retains its separate character, the cases may be presented on the same records and briefs. The record will be maintained at the Board in Opposition No. 91185538 as the "parent" case, but all papers filed in these

Opposition Nos. 91185538, 91185542, and Cancellation No. 92049148

cases should include all proceeding numbers in ascending order.

Applicant's consented motion, filed September 10, 2008 in Opposition No. 91185538, to suspend for the parties' civil action (Rodale, Inc. v. U.S. Preventive Medicine, Inc., Civil Action No. 4:08-cv-00120, Eastern District of Texas, Sherman Division) is granted. The motion to suspend for this civil action has previously been granted in Opposition Nos. 91185538 and Cancellation No. 92049148.

Applicant's counterclaim in Opposition No. 91185542 incorporates by reference the allegations in the petition to cancel in Cancellation No. 92049148 and the counterclaims asserted in the answer of Opposition No. 91185538. In view of the consolidation of both Opposition No. 91185538 and 92049148 herein, no further fee is required as additional payment would appear to be duplicative.

Accordingly, consolidated 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 interested party should notify the Board so that this case may be called up for appropriate action. During the suspension period the Board should be notified of any address changes for the parties or their attorneys.

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Opposition Nos. 91185538, 91185542, and Cancellation No. 92049148

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>