

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

tlc

Mailed: October 7, 2008

Opposition No. 91181264
Opposition No. 91185538
Opposition No. 91185539
Opposition No. 91185540
Opposition No. 91185541
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 Opposition Nos. 91181264, 91185539, 91185540, and 91185541 with the already consolidated proceedings as these proceedings involve identical parties, similar marks, and common questions of law and fact.

Accordingly, Opposition Nos. 91181264, 91185539, 91185540, 91185541, are hereby consolidated with the already consolidated proceedings and, although each proceeding retains its separate character, the cases may be presented on the same

Opposition Nos. 91181264, 91185538, 91185539, 91185540, 91185541, 91185542 and Cancellation No. 92049148

records and briefs. In view of the inclusion of Opposition No. 91181264, the most senior case in this consolidated proceeding, the record will now be maintained at the Board in Opposition No. 91181264 as the "parent" case, but all papers filed in these cases should include all proceeding numbers in the ascending order.

The parties are requested to advise of any further related proceedings involving the parties.

Applicant's consented motion, filed September 10, 2008 in Opposition No. 91185539 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. 91181264, 91185538, 91185540, 91185541, 91185542 and Cancellation No. 92049148.

Applicant's counterclaim in Opposition Nos. 91185539, 91185540 and 91185541 incorporates by reference the allegations in the petition to cancel in Cancellation Nos. 92049148 and counterclaims asserted in the answer of Opposition No. 91185538. In view of the consolidation of these proceedings 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.

Opposition Nos. 91181264, 91185538, 91185539, 91185540, 91185541, 91185542 and
Cancellation No. 92049148

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 fro the parties or their attorneys.

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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_FinalR
uleChart.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/stdnagmnt.htm>