

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

RR

Mailed: November 28, 2007

Cancellation No. 92048092

Fleming and Company,  
Pharmaceuticals

v.

H2OCEAN INC.

**Cheryl Butler, Attorney, Trademark Trial and Appeal Board:**

Respondent's motion (filed November 19, 2007) to suspend the proceeding pending final determination of a civil action between the parties is hereby granted. See Trademark Rule 2.117(a). *Ocean Aid, Inc. v. Fleming and Company, Pharmaceuticals*, Case No. 07-CIV-80889 (RYSKAMP) in the United States District Court for the Southern District of Florida. The Board notes that, in addition to issues which may have a bearing on this cancellation proceeding, there is a counterclaim asking the court to order cancellation of Registration No. 3074033, the subject matter of this Board proceeding.

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 suspension period the Board shall be notified of any address changes for the parties or their attorneys.



**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>