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

Mailed: October 1, 2008

Cancellation No. 92048100

4392132 CANADA INC.

v.

LABORATOIRES DE BIOLOGIE
VEGETALE YVES R OCHER S.A.

Veronica P. White, Paralegal Specialist:

Because the parties are negotiating for a possible settlement of this case, proceedings herein are suspended until February 1, 2009, subject to the right of either party to request resumption at any time. *See* Trademark Rule 2.117(c).[1]

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

Registrant is allowed **THIRTY DAYS** from resumption in which to answer the petition for cancellation. The parties

[1] Registrant's motions to extend its time to answer filed March 19, 2008, June 9, 2008, and September 8, 2008 are granted as conceded; and registrant's consented motions to extend its time to answer filed April 18, 2008 and July 9, 2008 are granted. The Board's delay in turning its attention to this matter is regretted.

are allowed the same THIRTY DAYS in which to serve responses to any outstanding discovery requests. Trial dates, including the close of discovery, are reset as follows:

Proceedings resume:	**2/2/09**
Discovery Period to close:	**5/3/09**
30-day testimony period for party in position of plaintiff to close:	**8/1/09**
30-day testimony period for party in position of defendant to close:	**9/30/09**
15-day rebuttal testimony period to close:	**11/14/09**

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

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\