

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

vb/sh

Mailed: May 8, 2007

In re THE NOSTALGIA NETWORK,
INC.

Serial No. 78502918
Serial No. 78765530
Serial No. 78765577
Serial No. 78526678

Filed: 10/20/2004
Filed: 12/02/2005
Filed: 12/02/2005
Filed: 12/03/2004

JOHN H. WEBER
BAKER & HOSTETLER LLP
WASHINGTON SQUARE
1050 CONNECTICUT AVENUE
WASHINGTON, DC 20036-5304

On December 22, 2006, applicant filed a request for suspension of the appeal in Application Serial No. 78502918 pending consolidation of the appeals in Application Serial Nos. 78342411; 78765530; 78765577 and 78526678 because those appeals involve a common issue regarding refusal under Section 2(d) of the Trademark Act. A review of those files reveals that the appeal in Application Serial No. 78432411 has been terminated because the appeal was dismissed for applicant's failure to file its appeal brief. With respect

to the remaining applications, all are now at essentially the same stage of appeal, in that the date for filing applicant's appeal brief has either been set or is now ready to be set. With respect to Application Serial No. 78526678, the Board issued an order allowing applicant 60 days in which to file its appeal brief. With respect to Application Serial Nos. 78765530 and 78765577, applicant's requests for reconsideration were denied by the Examining Attorney on May 1, 2007, and therefore action on the appeals in those files may now be resumed.

Accordingly, applicant's request for consolidation of the appeals in Application Serial Nos. 78502918; 78765530; 78765577 and 78526678 are hereby granted. In view thereof, applicant and the Examining Attorney may, if they wish, file a single appeal brief with respect to the consolidated appeals. Applicant's appeal brief in all four appeals is due within sixty days of the mailing date of this order.¹ If applicant desires an oral hearing, one hearing will be scheduled for the consolidated appeals. A request for an oral hearing must be filed within ten days of the due date for applicant's reply brief. See Trademark Rule 2.142(e)(1).

***By the Trademark Trial
and Appeal Board***

¹ The Board's order in Serial No. 78526678 setting an earlier due date for the appeal brief is superseded by this order.