

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

Ac/Dunn

Mailed: November 12, 2008

Opposition No. 91172424*
Opposition No. 91172619*
Opposition No. 91173052*
Opposition No. 91173531*
Opposition No. 91173532*
Opposition No. 91173533*
Opposition No. 91173534*
Opposition No. 91173535*
Opposition No. 91173882*
Opposition No. 91173883*
Opposition No. 91173884
Opposition No. 91173885*
Opposition No. 91173886*
Opposition No. 91174571*
Opposition No. 91177714*
Opposition No. 91177906*
Opposition No. 91178278*
Opposition No. 91178783
Opposition No. 91185610
Opposition No. 91185613
Opposition No. 91185614
(new)

Cancellation No. 92049536

Monster Cable Products, Inc.

v.

Monster Daddy, LLC

On October 22, 2008, pursuant to the settlement agreement between the parties, applicant filed an abandonment of its applications Serial Nos. 78755741, 78755750, 78755742, 78689592, 78722450, 78755736, 78755743, 78768103, 78689623,

78768102, 78768100, 78689639, 78689609, 78689649, 78689661,
and 78827001.

On November 6, 2008, pursuant to the settlement agreement between the parties and subject to applicant's withdrawal of the above-listed applications which were the subject of the oppositions, opposer withdrew, with prejudice, Opposition Nos. 91172424, 91172619, 91173052, 91173531, 91173532, 91173533, 91173534, 91173535, 91173882, 91173883, 91173885, 91173886, 91174571, 91177714, 91177906, and 91178278, designated by an asterisk (*) in the listing of the consolidated oppositions.

Accordingly, the listed applications stand abandoned, and the listed oppositions are dismissed with prejudice.

The Board notes that Opposition No. 91185614 between these parties involves Application Serial No. 77318025 for the mark MONSTER. Opposition No. 91185614 is appropriate for consolidation with the remaining proceedings, all of which involve marks which include the term MONSTER, namely Opposition Nos. 91173884 (SEA MONSTER), 91178783 (MONSTER MOTOR COMPANY), 91185610 (MONSTER DADDY), 91185613 (MONSTER ENGINEERING), and Cancellation No. 92049536 (MONSTER). Accordingly, Opposition No. 91185614 is consolidated in this proceeding.¹

¹ The Board file will be maintained in Opposition No. 91173884 as the "parent" case, but all paper filed herein must include the proceedings numbers of all cases in ascending order.

In view of the dismissal and consolidation, all subsequent papers filed in this proceeding should no longer refer to the dismissed oppositions but list the remaining proceedings, including the newly added opposition, namely Opposition Nos. 91173884, 91178783, 91185610, 91185613, 91185614, and Cancellation No. 92049536.

The consolidated opposition remains suspended pending the outcome of the civil action between the parties in United States District Court for South Carolina.

*By the Trademark Trial
and Appeal Board*

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>