

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

vb

Mailed: May 28, 2009

Opposition No. 91179079

Nature's Way Products, Inc.

v.

Premier Alive, Inc.

Cancellation No. 92047568

A-Live Foods, Inc and  
Premier Alive, Inc.

v.

Nature's Way Products, Inc.

**Andrew P. Baxley, Interlocutory Attorney:**

On May 22, 2009, Premier Alive, Inc.'s ("Premier") attorneys filed a request to withdraw as Premier's counsel of record in this case. The request to withdraw as counsel is in compliance with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40, and is accordingly granted. Randall B. Bateman and the attorneys of the law firm of Bateman IP Law Group no longer represent Premier applicant in this proceeding.

In view of the withdrawal of Premier's counsel, and in accordance with standard Board practice, proceedings herein are suspended, and Premier is allowed until thirty days from the

mailing date of this order to appoint new counsel, or to file a paper stating that Premier chooses to represent itself. If Premier files no response, the Board may issue an order to show cause why default judgment should not be entered against Premier in both of these consolidated proceedings based on Premier's apparent loss of interest in the case.

The parties will be notified by the Board when proceedings are resumed, and dates will be rescheduled at the appropriate time.

A copy of this order has been sent to all persons listed below.

cc:

Randall B. Bateman  
Bateman IP Law Group  
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Suite 550  
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Wayne LeBaron  
Premier Alive, Inc.  
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Robyn L. Phillips  
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**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>