

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

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Mailed: November 7, 2008

Cancellation No. 92048720

Ellyn Harris

v.

Kristina L. Balobeck

**Ann Linnehan, Interlocutory Attorney**

On September 25, 2008, the Board issued an order acknowledging the parties' "Trademark Consent Agreement" wherein petitioner agreed to withdraw the petition to cancel respondent's subject Registration No. 3211905 if the examining attorney responsible for petitioner's currently pending application Serial No. 78893236 would withdraw the refusal against such application.

It has now come to the Board's attention that the refusal was withdrawn against petitioner's currently pending application Serial No. 78893236 and the application has been approved for publication.

In view thereof, petitioner is allowed until thirty days from the mailing date of this order to file a withdrawal of the petition to cancel, failing which the petition to cancel

will go forward on the registration and the appropriate trial dates reset.

**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>