

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

MBA

Mailed: July 29, 2009

Cancellation No. 92050739

Orouba Agrifoods Processing
Company

v.

United Food Import, Inc.

Michael B. Adlin, Interlocutory Attorney:

It has come to the Board's attention that the parties hereto are engaged in a federal trademark infringement action which may have a bearing on this proceeding (United Food Imports, Inc. v. Orouba Agrifoods Processing Company, Civil Action No. 09 CIV 4484, pending in the U.S. District Court for the Southern District of New York) (the "Federal Case"). The Board's well-settled policy is to suspend proceedings when the parties are "engaged in a civil action ... which may have a bearing on the [Board] case." Trademark Rule 2.117(a). Accordingly, the basis for the suspension of this proceeding is hereby changed, i.e. proceedings herein are now **SUSPENDED** for, and pending final determination of, the Federal Case. Respondent's motion to dismiss, filed May 4, 2009, will be considered if and when proceedings herein are resumed.

Within twenty days after the final determination of the Federal Case, the interested party should notify the Board so that this case may be called up for appropriate action. During the suspension period the Board should be notified of any address changes for the parties or their attorneys.

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>
