

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: 7/10/03 12:13 PM

Cancellation No. 92-029,769

Lovelace Scientific Resources,  
Inc.

v.

Lovelace Healthcare  
Innovations, Inc.

and

Lovelace Healthcare Systems,  
Inc.

Linda Skoro, Interlocutory Attorney

This case now comes up on (1) respondent's motion to substitute Lovelace Healthcare Systems, Inc. as party defendant and exclusive assignee of the registration at issue and (2) respondent's counsel's motion to withdraw as counsel of record.

Trademark Rule 3.71(d) provides that an assignee may step into the shoes of its assignor after having established ownership of the subject registration. Respondent has

provided the reel and frame number of the recorded assignments it relies upon for its claim of ownership pursuant to 37 CFR § 3.73(b). In that the assignment occurred subsequent to the commencement of this proceeding and the discovery period remains open, the assignee will be joined rather than substituted in this proceeding.

Accordingly, respondent's motion to substitute the respondent is granted to the extent that the new assignee is hereby joined as party defendant.

Motion to Withdraw

On, June 13, 2003 respondent's attorneys filed a request to withdraw as respondent'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. The law firm of Ladas & Parry no longer represents respondent in this proceeding.

In view of the withdrawal of respondent's counsel, and in accordance with standard Board practice, proceedings herein are suspended, and respondent is allowed until thirty days from the mailing date of this order to appoint new counsel, or to file a paper stating that respondent chooses to represent itself. If respondent files no response, the Board may issue an order to show cause why default judgment should not be

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entered against respondent based on respondent'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.<sup>1</sup>

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

cc:

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<sup>1</sup> It is noted that as part of its May 2, 2003 motion to substitute parties, respondent requested an additional 6-month suspension due to the assignment, arrangements for new counsel and settlement discussions. Before that filing was associated with the file, the Board issued a resumption order on June 2, 2003. The resumption order is hereby vacated. The parties should request additional suspension after new counsel is appointed if it is required.