ESTTA Tracking number: **ESTTA145842**
Filing date: **06/14/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92045166
Party	Plaintiff Earthlite Massage Tables, Inc. Earthlite Massage Tables, Inc. 3210 EXECUTIVE RIDGE DRIVE Vista, CA 92083
Correspondence Address	James P. Broder THE LAW OFFICE OF STEVEN G. ROEDER 5560 Chelsea Avenue La Jolla, CA 92037 UNITED STATES
Submission	Response to Board Order/Inquiry
Filer's Name	James P. Broder
Filer's e-mail	jpbroder@san.rr.com
Signature	/James P. Broder/
Date	06/14/2007
Attachments	Response to TTAB (6-14-07).pdf (2 pages)(326962 bytes) Verdict Form.pdf (2 pages)(351216 bytes)

In the Matter of Registration Nos. 2,693,944 and 2,822,462

EARTHLITE MASSAGE TABLES, INC., a California corporation, Petitioner, v. LIFEGEAR, INC., a New Jersey corporation, dba EARTHGEAR, Registrant.	Cancellation 92045160 92045166

To: United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

RESPONSE TO REQUEST FOR STATUS

Petitioner, EARTHLITE MASSAGE TABLES, INC. "EARTHLITE"), hereby submits the following Response to Reques the Trademark Trial and Appeal Board mailed on May 14, 2007.

EARTHLITE encloses herewith a fully executed and conf Form that was used in the Civil Action which occasioned the suspe proceedings. According to the Verdict Form, the jury found as follo

1. LIFEGEAR, INC.'s use of the EarthGear mark creat of confusion among ordinary purchasers as to the goods;
2. EARTHLITE was damaged by LIFEGEAR's infringem

a final Judgment is anticipated within the next 60 days. Further, it
that the Judgment will be dispositive of the pending Cancellatio
before the Board. Consequently, EARTHLITE respectfully reque
pending proceedings before the Board continue to be susp
additional 60 days.

Dated: June 14, 2007

Respectfully submitted,

Earthlite Massage Tables,

By: _____

James P. Broder
The Law Office of Steven
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Attorneys for Petitioner,
Earthlite Massage Tables,

Certificate of Mailing by Electronic Online Filing

I hereby certify that this correspondence is being transmitted electr
United States Patent and Trademark Office, Trademark Trial and
on:

Date of Transmission: June 14, 2007
Printed Name: James P. Broder

Signature: _____

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNI

EARTHLITE MASSAGE TABLES, INC., a California corporation, Plaintiff, vs. LIFEGEAR, INC., a New Jersey corporation, d/b/a EARTHGEAR; DOES 1 through 100, inclusive, Defendant.	Case No.: 05 CV **VERDICT** Judge: Hon. D Dept.: 10

TO ALL: **WE THE JURY IN THE ABOVE ENTITLED ACTI**

FOLLOWS:

1) Do you find that defendant, Lifegear, Inc.'s use of the EarthGear cause confusion among ordinary purchasers as to the source of g

__X__ yes (Proceed to number 2 below.)

_____ no (Stop. Sign the verdict form.)

3) Do you find that the plaintiff acquiesced to the defendant's use of mark?

_____ yes (Stop. Sign the verdict form.)

X no (Proceed to number 4 below and awar

4) We, the jury in the above-entitled action, award damages to plainti

$ 3,300,000.— . (Proceed to number 5

5) Do you find that the defendant intentionally used the EarthGear tr knowing it was an infringement of the EarthLite trademark?

X yes (Stop. Sign the verdict form.)

_____ no (Stop. Sign the verdict form.)

Dated: 3/28/07

Signed: [signature]
Presiding Juror

After this verdict form has been signed, please deliver it to the bailiff.