

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

Mailed: April 3, 2007

Registration No. 1490543

Cancellation No. 92047319

LAUTH, EDWARD J., III

v.

EASTERN AIR LINES, INC.

EASTERN AIR LINES, INC.  
MIAMI INTERNATIONAL AIRPORT,  
MIAMI, FL 33148  
UNITED STATES

**Thomas W. Wellington,  
Interlocutory Attorney:**

On April 2, 2007, the Board issued an order instituting this proceeding and, at the same time, suspending matters based on information contained in the petition to cancel (filed March 29, 2007). Specifically, the Board believed (mistakenly) that respondent was in bankruptcy. Upon further review, however, the Board finds that the information referencing a bankruptcy in the petition was merely for background purposes.

In view thereof, the Board's April 2, 2007 order is set aside to the extent that cancellation proceedings are resumed.

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available on the TTAB's web page at [www.uspto.gov/web/offices/dcom/ttab/](http://www.uspto.gov/web/offices/dcom/ttab/).

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

A copy of every paper or communication filed by the registrant regarding this matter must be mailed to the person or persons named below.

**ANSWER IS DUE FORTY DAYS** after the mailing date hereof. (See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday, or a holiday).

**Discovery and testimony dates are set as indicated below.** In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Discovery period to open:	4/23/2007
Discovery period to close:	10/20/2007
30-day testimony period for party in position of plaintiff to close:	1/18/2008
30-day testimony period for party in position of defendant to close:	3/18/2008
15-day rebuttal testimony period to close:	5/2/2008

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

**NOTE:** The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See TBMP § 502.06(a) (2d ed. Rev. 2004).

If the parties to this proceeding are (or during the pendency of this proceeding, become) parties to another Board or civil proceeding involving related marks or other common issues of law or fact, they shall notify the Board

immediately, so that the Board can consider consolidation or suspension of proceedings, if appropriate.

New Developments at the Trademark Trial and Appeal Board

For faster handling of all papers, the TTAB strongly encourages electronic filing whenever possible. TTAB forms for electronic filings are available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABvue at <http://ttabvue.uspto.gov>.

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