

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

nmt/dmd

Mailed: April 21, 2008

Cancellation No. 92048873

Elenbaas Hardwood, Inc.

v.

Phil Elenbaas Millwork, Inc.

Nicole M. Thier, Paralegal Specialist

Because the parties are negotiating for possible settlement of this case, proceedings herein are suspended until 90 days from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

Proceedings Resume	7/20/2008
Time to Answer	8/29/2008
Deadline for Discovery Conference	9/28/2008
Discovery Opens	9/28/2008
Initial Disclosures Due	10/28/2008
Expert Disclosures Due	2/25/2009
Discovery Closes	3/27/2009
Plaintiff's Pretrial Disclosures	5/11/2009

Plaintiff's 30-day Trial Period Ends	6/25/2009
Defendant's Pretrial Disclosures	7/10/2009
Defendant's 30-day Trial Period Ends	8/24/2009
Plaintiff's Rebuttal Disclosures	9/8/2009
Plaintiff's 15-day Rebuttal Period Ends	10/8/2009

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.

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.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

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>