

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

23, 2010

Mailed: April

Cancellation No. 92052121

Natalia Lazarus

v.

Piero Dusa

Jennifer Krisp, Interlocutory Attorney:

Pursuant to Fed. R. Civ. P. 26(f) and Trademark Rules 2.120(a)(1) and (2), the parties held a timely discovery and settlement conference on April 22, 2010. At respondent's request, a member of the Board participated in the conference. Participating were Michael A. Painter, Esq., counsel for petitioner, Mr. Piero Dusa, respondent, and the assigned interlocutory attorney.

The Board noted, for respondent, that the Board advises all pro se parties to consider securing the services of legal counsel familiar with trademark law, practice, and rules of procedure in Board proceedings. The Board also noted for the parties that, pursuant to Trademark Rule 2.116(g), its Standard Protective Order is applicable and enforceable, and that the protective order provides that certain types of information and/or documents, for example those designated as highly confidential, may be inaccessible to respondent as a pro se party.

The Board provided petitioner an opportunity to clarify the ground(s) for cancellation set forth in the petition, and in particular to clarify the allegations in Paragraph 12 thereof. Petitioner clarified that cancellation is sought on the sole ground of lack of ownership of the mark, that is, that the involved registration is void ab initio under Section 1 of the Trademark Act because respondent was not, at the time of the filing of the application which later matured into the registration, the owner of the mark.

The Board noted that, pursuant to Trademark Rule 2.122(c), in general, exhibits attached to pleadings are not evidence unless identified and introduced in evidence as an exhibit during the appropriate testimony period. See TBMP § 317 (2d ed. rev. 2004).

Respondent confirmed for the record that his email address is info@pierodusa.com.

The Board briefly explained the features and availability of the "accelerated case resolution" ("ACR") process, and referred counsels to the Board's website (*Federal Register*, Volume 72) for further information. The Board noted that such procedure may be of benefit to the parties where resolution of the asserted grounds rests on a determination of only one or only a few factual issues. While petitioner indicated a willingness to pursue resolution by ACR, respondent was not in a position to so stipulate. The Board directed the parties to inform the Board by telephone, or by filing a motion, in the event that they stipulate to pursue resolution by ACR.

The parties did not stipulate to the serving of copies of motions and papers by email under Trademark Rule 2.119(b)(6), but did agree that they will exchange courtesy copies by email, as appropriate, and that other communication may take place by email, as appropriate. The Board referred the parties to Trademark Rule 2.119 regarding the service and signing of motions and papers, and to Trademark Rule 2.127(a) regarding the time to respond to various motions.

Discovery and trial dates remain as set in the Board's February 25, 2010 institution order. The Board reminded the parties that, pursuant to Trademark Rule 2.120(a)(3), a party must make its initial disclosures prior to seeking discovery.