

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

Mailed: February 27, 2009

Cancellation No. 92047998

Lamsia Corporation

v.

Cigar Oasis, Inc.

Cheryl Goodman, Interlocutory Attorney:

On January 24, 2009, the Board allowed respondent time to supplement its response to the notice of default, noting that respondent had established by its response that default was not willful and there was no prejudice to petitioner in setting aside default.

On February 24, 2009, respondent provided its supplemental response to the notice of default in the form of its answer.

Inasmuch as the answer offers a meritorious defense to this action, and respondent has satisfied the other two prongs of the analysis, i.e., willfulness and lack of prejudice, the Board finds that respondent has established good cause for setting aside default.

In view thereof, notice of default is set aside and respondent's answer is accepted.

Discovery and trial dates are reset as follows:

DISCOVERY PERIOD TO CLOSE: **June 25, 2009**

30-day testimony period for party in position of plaintiff to close: **September 23, 2009**

30-day testimony period for party in position of defendant to close: **November 22, 2009**

15-day rebuttal testimony period for party in position of plaintiff to close: **January 6, 2010**

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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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

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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>