

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

Mailed: April 29, 2008

Cancellation No. 92048736

DNA Testing Centre, Inc.

v.

Evergreen Industries, LLC

Cheryl Goodman, Interlocutory Attorney:

The parties are advised that in view of the receipt by the Board of e-mails that are outside the purview of this proceeding, no further e-mail communications should be sent by the parties to the Board or the assigned interlocutory attorney. It is noted that e-mail communication is not an approved method of communicating with the Board.

Additionally, in view of the receipt of telephone messages which have also been outside the purview of this proceeding, the Board advises the parties that due to concerns regarding ex parte communications, the parties should not telephone the Board or leave messages for Board personnel regarding this matter, and, therefore, to the extent that such telephone messages are left, they may not be answered.

The parties are advised that in accordance with Board practice, see TBMP Section 104 (2d ed. rev. 2004), all

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further communications with the Board must be conducted in writing, and such communications may be filed by mail, through the United States Postal Service, or electronically, via the Board's "ESTTA" online filing system.

Petitioner's request for Board participation in the mandatory discovery conference is granted. The Board is available to participate on one of the following dates: May 6<sup>th</sup>, May 7<sup>th</sup>, May 13<sup>th</sup> and May 14<sup>th</sup> and at the time of 1:00 pm. Eastern Daylight Time. These dates are the only dates that the Board is available to participate and the parties are expected to select one of these dates and to confirm their selection by filing a written response via ESTTA.

If the parties seek to schedule the conference for May 6<sup>th</sup> or May 7<sup>th</sup>, the Board requires confirmation from both parties via ESTTA of such date no later than Thursday April 30, 2008. If the parties seek to schedule the conference for May 13<sup>th</sup> or May 14<sup>th</sup>, the Board requires confirmation from the parties of such date no later than May 7, 2008 via the Board's ESTTA system.

If either party fails to advise the Board of their choice of date for the mandatory discovery conference and the available dates (May 6, May 7, May 13 and May 14) pass without confirmation from either party, the Board will entertain a motion for sanctions for failure to participate

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in the mandatory discovery conference. See Trademark Rule 2.120(g).

Dates remain as set in the Board's order dated March 19, 2008.