

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: May 5, 2004

Opposition No. 91159480

VIVENDI UNIVERSAL GAMES
INC.

v.

SONY COMPUTER
ENTERTAINMENT AMERICA
INC.

Cindy B. Greenbaum, Attorney:

Inasmuch as applicant's motion (filed March 26, 2004) to dismiss under Fed. R. Civ. P. 12(b)(6) and alternative motion for a more definite statement asks the Board to enter judgment as a matter of law on the issue of likelihood of confusion, and because the motion relies on matter outside the pleadings, the Board will treat the motion as one for summary judgment. See authorities cited in TBMP § 503.04.

Accordingly, opposer has until THIRTY DAYS from the mailing date of this order to file an opposition to the summary judgment motion, if it wishes to do so. Under the circumstances, the Board will accept a reply brief from applicant.

Proceedings herein are suspended pending disposition of the motion for summary judgment. Any paper filed during the

Opposition No. 91159480

pendency of this motion which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).