

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

RA/APB

Mailed: June 3, 2010

Opposition No. 91166487

Hasbro, Inc.

v.

Creative Action, LLC

By the Trademark Trial and Appeal Board:

On May 13, 2010, the Board issued an order wherein, among other things, it granted opposer's motion for leave to file an amended notice of opposition, accepted the concurrently filed amended notice of opposition as the operative complaint herein, and set applicant's time to file an answer to the amended notice of opposition. The trial schedule in that order is incorrect and is therefore vacated.¹ Appropriate dates will be reset upon resolution of the following.

On May 27, 2010, applicant filed a motion for summary judgment on the counterclaim that it included with its answer to the original notice of opposition. Notwithstanding that applicant's motion for summary judgment

¹ Because the above-captioned proceeding was commenced prior to November 1, 2007, the parties need not make any initial, expert or pretrial disclosures. See *Miscellaneous Changes to Trademark Trial and Appeal Board Rules*, 72 Fed. Reg. 42242 (August 1, 2007).

was filed prior to the filing of an answer to the amended notice of opposition, the filing of such motion clearly indicates that applicant does not intend to withdraw the counterclaim as part of its answer to the amended notice of opposition. Accordingly, the Board will consider the motion for summary judgment on that counterclaim.

Proceedings herein are suspended pending disposition of applicant's motion for summary judgment. See Trademark Rule 2.127(d). Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration.