

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

Mailed: January 14, 2010

Opposition No. 91190278

NAC Harmonic Drive, Inc.

v.

Harmonic Drive L.L.C.

**Robert H. Coggins,
Interlocutory Attorney:**

On December 9, 2009, opposer filed a motion for summary judgment. The motion fails to indicate proof of service on applicant as required by Trademark Rule 2.119. On January 13, 2010, applicant filed a motion to strike the summary judgment motion for opposer's failure to indicate proof of service on applicant. The Board exercises its discretion to consider the motion to strike prior to the expiration of time in which opposer may file a brief in opposition thereto.

Applicant's motion to strike is based on opposer's failure to indicate proof of service of the motion for summary judgment on applicant and the resulting uncertainty of the deadline for applicant to file a brief in opposition to that motion. Inasmuch as applicant is aware of the motion for summary judgment, applicant received a copy of

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that motion on December 10, 2009, and the Board herein resets applicant's time to respond to that motion, the motion to strike is denied. Opposer need not re-file the motion with the Board; however, strict compliance with Trademark Rule 2.119 is required by opposer in all future papers filed with the Board.

Applicant is allowed until **February 17, 2010** in which to file a brief in opposition to the motion for summary judgment, failing which the motion may be treated as conceded. See Trademark Rule 2.127(a).

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

The motion for summary judgment will be decided in due course.