

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

cv

Mailed: September 23, 2011

Opposition No. 91200105

EMD Crop BioScience Inc.

v.

Cleary Chemicals, LLC

Jennifer Krisp, Interlocutory Attorney:

Proceedings herein are suspended pending disposition of opposer's motion to strike directed to applicant's counterclaim entitled "Request to Restrict Identification of Goods," and for judgment on the pleadings directed to applicant's counterclaim entitled "Cancellation."¹

Any paper filed during the pendency of the motion which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).

¹ Inasmuch as the reset deadline for serving initial disclosures (November 13, 2011) is after the date on which opposer filed its motion, and said motion does not state that opposer served its initial disclosures, conversion of said motion to one for summary judgment under Fed. R. Civ. P. 56 would result in a procedurally premature motion. See Trademark Rule 2.127(e)(1).

Opposer's answer to the counterclaims is noted.