

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

Mailed: June 13, 2012

Opposition No. 91204897

John G. Marino

v.

Laguna Lakes Community
Association, Inc.

**George C. Pologeorgis,
Interlocutory Attorney:**

Proceedings herein are suspended pending the disposition of applicant's motion (filed June 5, 2012) to dismiss under Fed. R. Civ. P. 12(b).¹ 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 will be decided in due course.

¹ It is noted that the motion contains matters outside the pleadings. Inasmuch as the motion was filed prior to the deadline for initial disclosures (i.e., August 6, 2012), and applicant did not indicate that it made its disclosure prior to filing the motion, all matters outside the pleadings will be excluded by the Board and the motion will be considered for whatever merits it may present as a motion to dismiss. See *Compagnie Gervais Danone v. Precision Formulations LLC*, 89 USPQ2d 1251, 1255-56 (TTAB 2009). In view of the foregoing, applicant's request that the Board take judicial notice of the matters outside the pleading submitted with its motion to dismiss, namely, a copy of applicant's articles of incorporation, is denied.