

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

Mailed: June 22, 2012

Opposition No. 91204897

John G. Marino

v.

Laguna Lakes Community  
Association, Inc.

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

This case now comes before the Board for consideration of opposer's motion (filed June 20, 2012) (1) for clarification of the Board's June 13, 2012 order suspending this proceeding pending the disposition of applicant's motion to dismiss filed on June 5, 2012 and (2) to extend opposer's time in which to respond to applicant's motion to dismiss up to, and including, June 30, 2012.

While the time for applicant to file a response to opposer's motion has yet to expire, the Board, pursuant to its inherent authority to manage its docket, suggested that the issues raised in opposer's motion should be resolved by telephonic conference as permitted by TBMP § 502.06 (3d ed. rev. 2012). The Board advised applicant that it may advance arguments in response to opposer's motion during the

telephone conference. The Board contacted the parties to discuss the date and time for holding the phone conference.

The parties agreed to hold a telephone conference the morning of Thursday, June 21, 2012. The conference was held among Scott Behren, as counsel for opposer, Chad Rothschild, as counsel for applicant, and George C. Pologeorgis, as a Board attorney responsible for resolving interlocutory disputes in this case.

The Board carefully considered the arguments raised by the parties during the telephone conference, as well as the supporting correspondence and the record of this case, in coming to a determination regarding the above matters. During the telephone conference, the Board made the following findings and determinations:

**Opposer's Motion for Clarification and to Extend**

As background, on June 5, 2012, applicant filed a motion to dismiss the opposition for failure to state a claim upon which relief may be granted. On June 13, 2012, the Board issued an order suspending this proceeding pending the disposition of applicant's motion to dismiss. By the same order, the Board stated that any paper filed during the pendency of applicant's motion which is not relevant thereto would be given no consideration.

We now turn to opposer's motion. By way of its motion, opposer seeks, in part, clarification of the Board's June 13,

2012 suspension order to the extent that opposer is unclear whether he may file a response to applicant's motion to dismiss since the suspension order states that proceedings are suspended pending the disposition of applicant's motion. During the telephone conference, the Board explained that when the Board issues a suspension order pending the determination of a dispositive motion, the suspension order merely tolls the trial dates and not the time the non-moving party has to respond to the motion under applicable Board rules.

Having clarified the Board's suspension order, the Board then turned to the portion of opposer's motion which seeks to extend opposer's time to respond to applicant's motion to dismiss. As noted above, opposer seeks an extension until June 30, 2012 in which to respond to applicant's motion. In addition to his motion papers, opposer, in further support of his extension request, indicated during the telephone conference that the extension is needed, in part, due to the press of other litigation currently confronted by opposer's counsel. During the telephone conference, applicant consented to the extension request but only until June 29, 2012. Opposer had no objection to this revised extended deadline.

Accordingly, opposer's motion to extend is granted to the extent that opposer's response to applicant's motion to dismiss is now due by **June 29, 2012**.

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Proceedings otherwise remain suspended pending the disposition of applicant's motion to dismiss.