

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

BUO

Mailed: April 22, 2013

Opposition Nos. 91205331  
91205338

Ms. Teresa H. Earnhardt

v.

Kerry Earnhardt, Inc.

**David Mermelstein, Administrative Trademark Judge:**

Applicant's submission, filed April 5, 2013, withdrawing its February 27, 2013, motion to compel is noted.

Additionally, opposer's motion, filed March 11, 2013, for leave to amend its notice of opposition is noted. However, opposer's submission consists of an ESTTA generated cover page and twenty-two blank pages. Accordingly, consideration of opposer's motion is **DEFERRED**. Opposer is allowed until **TEN DAYS** from the mailing date of this order to re-file its motion with the Board. If opposer fails to file its motion within the time allowed the case will proceed with the initial notice of opposition remaining operative.

**Opposition Nos. 91205331 and 91205338**

Proceedings remain otherwise suspended. The parties should not file any paper which is not germane to the motion.<sup>1</sup>

Dates will be reset upon resumption.

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<sup>1</sup> Applicant's response to opposer's motion for leave to amend its notice of opposition, filed March 29, 2013, is also noted.