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Filing date: **11/02/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205687
Party	Plaintiff David D'Amato
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Submission	Response to Board Order/Inquiry
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Date	11/02/2015
Attachments	Update on Civil Proceedings.pdf(232619 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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In the Trademark Opposition of: )  
Mark: ORLANDO SOLAR BEARS )  
Serial No. 85421579, 85421538 ) Opposition No.: 91205687 (parent)  
Published: February 21, 2012 ) 91206135  
)  
DAVID D'AMATO, )  
Opposer, )  
)  
vs. )  
)  
ECHL, INC., )  
Applicant )  
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**UPDATE ON CIVIL PROCEEDINGS**  
**AS REQUESTED BY TRADEMARK TRIAL AND APPEAL BOARD**

Pursuant to the Board's request dated October 1, 2015 (Docket No. , Opposer, through his attorney submits the following status update on the civil matter (Case No. CV1: 13-cv-00646), currently ongoing in the United States District Court for the Western District of New York. Opposer states that on or about December 10, 2014; Opposer's counsel in the aforementioned civil matter, made a motion to withdraw as counsel, and said motion was thereafter granted by the Honorable Hugh B. Scott (said Order of 12/10/14 is attached hereto).

In the instant matter before this Board, the undersigned, as counsel for Opposer states his intention to withdraw as counsel in this matter. Opposer has been informed of counsel's desire, and informed that the undersigned would respond to this instant request prior to withdrawing. The undersigned would also request additional time for Opposer to retrain new counsel in the instant matter.

As such, it is respectfully requested that the instant matter before this Board remain suspended pending the outcome of the aforementioned civil matter.

Dated: November 2, 2015  
Buffalo, New York

Respectfully submitted,

/s/Vincent G. LoTempio

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**U.S. DISTRICT COURT**

**U.S. District Court, Western District of New York**

**Notice of Electronic Filing**

The following transaction was entered on 12/10/2014 at 3:14 PM EST and filed on 12/10/2014

**Case Name:** D'Amato v. ECHL, Inc. et al

**Case Number:** 1:13-cv-00646-WMS-HBS

**Filer:**

**Document Number:** 41(No document attached)

**Docket Text:**

**-CLERK TO FOLLOW UP-**

**ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT  
TEXT ORDER granting [40] Motion to Withdraw as Attorney.**

**Attorney Philip B. Abramowitz and David W. Kloss terminated. Portion of motion requesting plaintiff receive an extension of time to retain counsel and to respond to the pending Motion to change venue (Docket No. 34) is also granted. An new briefing schedule will be separately entered. Court Clerk to send a copy of this Order to plaintiff directly. Relieved counsel are requested to forward a copy of this letter to their former client as well.**

**So Ordered. Signed by Hon. Hugh B. Scott on 12/10/2014. (DRH)**

**1:13-cv-00646-WMS-HBS Notice has been electronically mailed to:**

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**1:13-cv-00646-WMS-HBS Notice has been delivered by other means to:**

David D'Amato

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