

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

nmt

Mailed: July 7, 2013

Opposition No. 91210367

Roche Diagnostics GmbH,
Roche Diagnostics
Operations, Inc.

v.

Arriva Medical, LLC

Cheryl S. Goodman, Interlocutory Attorney:

On July 1, 2013, opposer filed a combined motion to strike and motion for partial summary judgment on applicant's affirmative defenses. Although opposer cites "preclusion" as a basis for the motion, opposer's arguments relate neither to issue nor claim preclusion. Moreover, there is no indication that opposer served its initial disclosures prior to filing the motion. Inasmuch as initial disclosures have not been served in this proceeding, and the basis for summary judgment is neither issue nor claim preclusion, the motion for partial summary judgment is premature and will be given no consideration.

Proceedings herein are suspended pending disposition of opposer's motion to strike. 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).