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Filing date: **06/02/2015**

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

Proceeding	91211392
Party	Defendant Hallmark Industries, Inc.
Correspondence Address	ANTHONY M VERNA III KRAVITZ & VERNA PLLC PO BOX 3620293, PACC NEW YORK, NY 10129 UNITED STATES verna@kravitzverna.com
Submission	Opposition/Response to Motion
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Date	06/02/2015
Attachments	Applicant's Opposition to Motion to Compel.pdf(145611 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Serial No. 77/457,422 for the mark HALLMARK and
Serial No. 77/666,333 for the mark HALLMARK925

Hallmark Licensing, LLC,	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. 91211392 (Parent)
	:	Opposition No. 91215884
Hallmark Industries Inc.,	:	
	:	
Applicant.	:	

APPLICANT’S OPPOSITION TO OPPOSER’S MOTION TO COMPEL

COMES NOW the Applicant, Hallmark Industries Inc. (hereinafter “Applicant”), by counsel, The Trademark Company, PLLC, and files the instant Opposition to the Motion to Compel filed by Opposer Hallmark Licensing, LLC (hereinafter “Opposer”), stating as follows:

STATEMENT OF FACTS

1. On or about July 3, 2013 Opposer instituted Opposition Number 91211392 against the registration of Applicant’s HALLMARK mark.
2. On or about August 7, 2013 Applicant filed its Answer and Grounds of Defense in Opposition Number 91211392.
3. On or about February 18, 2014 Opposer filed a Motion for Suspension in View of Civil Proceeding with Consent in Opposition Number 91211392.
4. On February 18, 2014 the Board granted Opposer’s motion to suspend the proceeding pending the determination of a civil action, with consent in Opposition Number 91211392.

5. On or about April 14, 2014 Opposer instituted Opposition Number 91215884 against the registration of Applicant's HALLMARK952 mark
6. On or about May 16, 2014 Applicant filed its Answer and Grounds of Defense in Opposition Number 91215884.
7. On or about June 23, 2014 Opposer filed a Motion for Suspension in View of Civil Proceeding with Consent in Opposition Number 91215884.
8. On July 15, 2014 the Board granted Opposer's motion to suspend the proceeding pending the determination of a civil action, with consent in Opposition Number 91215884.
9. On or about September 24, 2014 Opposer filed Notice of the Dismissal of the Civil Action in both Opposition Numbers 91211392 and 91215884.
10. On or about September 24, 2014 Opposer filed a Motion to Consolidate the Opposition Numbers 91211392 and 91215884.
11. On or about January 29, 2015 the Interlocutory Attorney granted Opposer's Motion to Consolidate with Opposition Number 91211392 being listed as the parent case.
12. On or about February 27, 2015 Opposer filed a Motion to Amend the Notice of Opposition.
13. On or about March 24, 2015 new Counsel for Applicant appeared.
14. On or about March 27, 2015 Counsel for Applicant filed a Stipulated Motion to Extend the Response and Initial Disclosure Deadlines by 30 days.
15. On May 6, 2015 the Board granted the Motion to Extend and acknowledged the new deadline for Initial Disclosures of April 30, 2015.
16. On or about May 13, 2015 Opposer filed the instant Motion to Compel Applicant's Initial Disclosures.

17. On May 28, 2015 Applicant requested that Counsel for Applicant renew his representation of Applicant in the instant case.

ARGUMENT

In the instant Motion to Compel, Opposer requests that the Board compel Applicant to serve its Initial Disclosures. In response, Applicant has served, upon Counsel for Opposer today, Applicant's Initial Disclosures.

CONCLUSION

WHEREFORE Applicant respectfully submits that Opposer's motion has been rendered moot by the documents served upon Counsel for Opposer today and respectfully requests that an order be issued denying the instant motion to compel subject to Opposer's review and right to revisit the same should they deem the document served insufficient.

Respectfully submitted this 2nd day of June, 2015.

THE TRADEMARK COMPANY, PLLC

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vs.	:	Opposition No. 91211392 (Parent)
	:	Opposition No. 91215884
Hallmark Industries Inc.,	:	
	:	
Applicant.	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 2nd day of June, 2015 to
be served, via first class mail, postage prepaid, upon:

Timothy J Feathers
Stinson Leonard Street LLP
1201 Walnut Street, Suite 2900
Kansas City, Mo 64106-2150

Matthew H. Swyers/
Matthew H. Swyers