

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

EJW

Mailed: June 6, 2016

Opposition No. 91214086

Starbuzz Tobacco, Inc.

v.

*Philip Melnick*¹

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

On March 29, 2016, the Board inquired as to the status of the civil action between the parties which occasioned the suspension of this proceeding on March 27, 2015. On April 20, 2016, Opposer responded to the Board's query, stating that the district court matter had been dismissed for lack of personal jurisdiction and requesting that the Board proceeding be resumed. Applicant has not contested Opposer's explanation as to the status of the civil action or the motion to resume. In view thereof, Opposer's motion is granted as conceded and this proceeding is **resumed**. See Trademark Rule 2.127(a).

¹ The Board notes that its March 29, 2016 order was returned as undeliverable from the correspondence address of record for Applicant (see 19 TTABVUE 2). Counsel is instructed to promptly update his/Applicant's correspondence address using the Board's Electronic System for Trademark Trials and Appeals (ESTTA).

Insofar as only one week remained in the discovery period when Opposer's motion to suspend was filed on February 27, 2015, the Board will allow for a brief discovery period and a date for amended expert disclosures, if any. Trial dates are reset as shown in the following schedule:

Amended Expert Disclosures Due, if any	7/6/2016
Discovery Closes	8/5/2016
Plaintiff's Pretrial Disclosures Due	9/19/2016
Plaintiff's 30-day Trial Period Ends	11/3/2016
Defendant's Pretrial Disclosures Due	11/18/2016
Defendant's 30-day Trial Period Ends	1/2/2017
Plaintiff's Rebuttal Disclosures Due	1/17/2017
Plaintiff's 15-day Rebuttal Period Ends	2/16/2017

IN EACH INSTANCE, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party **WITHIN THIRTY DAYS** after completion of the taking of testimony. *See* Trademark Rule 2.125, 37 C.F.R. § 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b), 37 C.F.R. §§ 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129, 37 C.F.R. § 2.129.

