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Trademark Trial and Appeal Board  
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Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

CME/nmt

Mailed: August 14, 2015

Opposition No. 91214578 - 85956925

*LeMans Corporation*

*v.*

*LeMar Xavier Lewis*

**Christen M. English, Interlocutory Attorney:**

Proceedings are suspended pending disposition of Opposer's combined motion to compel and for sanctions, filed August 7, 2015, except as discussed below.<sup>1</sup> The parties should not file any paper which is not germane to the motion to compel. See Trademark Rule 2.120(e)(2) and TBMP §527.02.

Neither the filing of the combined motion to compel and for sanctions nor this suspension order tolls the time for parties to make required discovery disclosures, or

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<sup>1</sup> No consideration will be given to Applicant's: (1) motion to extend, filed August 8, 2015, because the certificate of service attached to the motion is unsigned; and (2) paper filed August 12, 2015 because the filing does not include proof of service. See Trademark Rule 2.119(a) ("Every paper filed in the United States Patent and Trademark Office in *inter partes* cases, including notices of appeal, must be served upon the other parties. Proof of such service must be made before the paper will be considered by the Office. A statement signed by the attorney or other authorized representative, attached to or appearing on the original paper when filed, clearly stating the date and manner in which service was made will be accepted as prima facie proof of service."); see also Board's orders of July 24, 2014, n.1, September 3, 2014, pp. 2-3, October 17, 2014, pp. 1-2 and 5, March 4, 2015, pp. 3-4 and July 16, 2015, p. 2 ("The Board has repeatedly reminded Applicant that proof of service must be submitted before the Board will consider a filing.").

Because Applicant's August 8, 2015 motion to extend will be given no consideration, Opposer's response thereto, filed August 12, 2015, is moot and also will be given no consideration.



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to respond to any outstanding discovery requests which had been served prior to the filing of the combined motion, nor does it excuse a party's appearance at any discovery deposition which had been duly noticed prior to the filing of the combined motion. When a motion to compel is filed after discovery has closed, but prior to the opening of the first testimony period, the time period for making pretrial disclosures is suspended. *See* Trademark Rule 2.120(e)(1); TBMP § 523.01 (2015).

Opposer's combined motion will be decided in due course.

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