

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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wbc

Mailed: April 20, 2016

Opposition No. 91217630

Sturgis Motorcycle Rally, Inc.

v.

Hansen, Gary St. Martin

By the Trademark Trial and Appeal Board:

This case comes now before the Board on Applicant's motion to suspend proceedings further to obtain counsel. On April 20, 2016 the Board convened a telephone conference between the parties to discuss the motion. Participating in the call were Applicant, Gary St. Martin Hansen, Opposer's attorneys Sarah Hsia and Megan Sorokes, and Board interlocutory attorney Wendy Boldt Cohen.

The Board previously suspended proceedings in its March 4, 2016 order. Proceedings automatically resumed on April 1, 2016. On April 2, 2016, Applicant filed its motion seeking further suspension of these proceedings so that it may obtain an attorney. Opposer contests the motion.¹

¹ Applicant was provided an opportunity to orally submit its reply to Opposer's response during the conference call.

The Board has considered the parties' submissions and presumes the parties' familiarity with the factual bases for the motion, and does not recount them here except as necessary to explain the Board's decision.

Applicant noted that it has been in numerous discussions with an attorney about representation but has not yet retained an attorney. Having considered the parties' arguments and submissions, and as discussed in the conference, the Board **grants** Applicant's motion. Applicant is allowed until **May 2, 2016** to inform the Board whether he wishes to represent himself in these proceedings or has retained counsel.

If Applicant fails, during the time allowed, to either appoint new counsel (and inform the Board thereof) or file a paper stating that he desires to represent himself, the Board may issue an order noting that Applicant appears to have lost interest in the case, and asking Applicant to show cause why default judgment should not be entered against it. *See, e.g., Pro-Cuts v. Schilz-Price Enterprises Inc.*, 27 USPQ2d 1224, 1224-25 (TTAB 1993).

Proceedings are otherwise suspended.

In view of the suspension herein and as discussed in the conference call, the testimonial deposition of Applicant scheduled for Friday, April 22, 2016 is hereby cancelled and may be rescheduled as appropriate. Upon resumption of these proceedings, the Board will reset dates, including Opposer's trial period, as appropriate.

Notwithstanding the foregoing, Applicant's motion to strike filed April 15, 2016 will be decided in due course. To be clear, Opposer's response to the motion to strike is due May 5, 2016. A reply brief, if filed, shall be due in accordance with Trademark Rule 2.119(c) and 2.127(a).

Lastly, during the conference call, the parties agreed to service by email only to the emails noted on the record, with Trademark Rule 2.119(b)(6) being applicable to such service. The parties are reminded that by making this stipulation, the parties may not avail themselves of the additional five days contemplated by Trademark Rule 2.119(c) afforded to parties when service is made by first-class or express mail. *See McDonald's Corp. v. Cambridge Overseas Development Inc.*, 106 USPQ2d 1339, 1340 (TTAB 2013).

The Board thanks the parties for their participation in the conference call.