

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: October 17, 2002

Cancellation No. 92032705

I.C.E. Marketing Corp.

v.

Xavier Pierre Tancogne

Jyll S. Taylor, Attorney:

On April 5, 2002, the Board issued a notice of default in this case. In response, on April 25, 2002, respondent filed a combined motion to set aside the notice of default and to suspend these proceedings pending disposition of a civil action between the parties.<sup>1</sup> Inasmuch as respondent's April 25 motion did not include a certificate of service of a copy of the same on counsel for petitioner, consideration thereof was deferred until proof of service is filed with the Board.

On July 18, 2002, respondent filed such proof of service and a duplicate of its motion to set aside and to suspend. Service having been effected, the Board will now consider the motion and notes that petitioner did not file a brief in response.

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<sup>1</sup> Respondent also requested that the Board forward a copy of the petition to cancel to respondent and that he be given time to answer the same.

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In view thereof, respondent's motion is granted as conceded. See Trademark Rule 2.127(a). Accordingly, the April 5, 2002 notice of default is hereby set aside and proceedings herein are suspended pending disposition of Civil Action No. 00-2280-CIV-HUCK/BROWN, filed in the United States District Court, Southern District of Florida, Miami Division.

Within **twenty days** after the final determination of the civil action, the interested party should notify the Board so that this case may be called up for appropriate action. During the suspension period the Board should be notified of any address changes for the parties or their attorneys.

A copy of the petition to cancel is forwarded herewith to counsel for respondent. If and when proceedings herein are resumed, appropriate dates will be reset, including respondent's time to answer.