

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: June 6, 2008

Cancellation No. 92048777

Adidas America, Inc.

v.

Michael Calmese

Cindy B. Greenbaum, Supervisory Interlocutory Attorney:

It has come to the Board's attention that the parties are involved in a civil action in Oregon that may have a bearing on this proceeding. However, neither party has provided a copy of the pleadings in the civil action, so the Board is unable to determine whether it would be appropriate to suspend this proceeding pending a final determination of the civil action.

Inasmuch as respondent brought this matter to the Board's attention in paragraph one of his answer, and respondent's response to petitioner's motion for default judgment includes a cross-motion to suspend this proceeding in view of the civil action, **respondent is allowed until TWENTY DAYS from the mailing date of this order to file with the Board a copy of the pleadings in the civil action.**¹

¹ Respondent's response fails to indicate proof of service on petitioner, as Trademark Rule 2.119 requires. However, as

Petitioner's motion for default judgment and respondent's cross-motion to suspend will be held in abeyance pending respondent's compliance with this order.

Proceedings are otherwise suspended.

petitioner filed a reply, it is clear that petitioner has a copy of respondent's response, and does not need the Board to forward a courtesy copy. Strict compliance with Trademark Rule 2.119 is required by respondent in all future papers filed with the Board. In addition, the Board notes that respondent's response was filed using ESTTA, the Board's electronic filing system. Respondent is advised that the requirements for service and notification to the Board of such, is required whether the document is filed electronically or through the mail.