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

Mailed: August 20, 2009

Cancellation No. 92050685

Renee Shatanoff

v.

Executive Development
Architects LLC

Cindy B. Greenbaum, Managing Attorney:

This case now comes up on respondent's motion for summary judgment.

Except for assertions of claim or issue preclusion or lack of jurisdiction by the Board, a motion for summary judgment may not be filed until the moving party has made its initial disclosures. Trademark Rule 2.127(e)(1).

Respondent filed its motion for summary judgment on May 22, 2009, on the grounds of abandonment and likelihood of confusion. The deadline for making initial disclosures was June 25, 2009. Respondent's motion does not contain a statement that respondent made its required initial disclosures prior to filing the motion. See Compagnie Gervais Danone v. Precision Formulations, LLC, 89 USPQ2d 1251, 1255 at fn. 7 (TTAB 2009). Inasmuch as respondent's motion was filed prior to the deadline for initial

disclosures, the Board presumes that respondent had not yet made its initial disclosures when respondent filed the motion.

Accordingly, respondent is allowed until TEN DAYS from the mailing date of this order in which to inform the Board (in writing, with proof of service on petitioner) whether respondent made its initial disclosures prior to filing the motion for summary judgment. If initial disclosures were made, the Board will entertain the fully briefed motion for summary judgment. If initial disclosures were not made, the Board will deny the motion for summary judgment without prejudice on procedural grounds. If respondent fails to respond to this order, the Board will deny the motion for summary judgment.

Proceedings are not suspended, and dates remain as previously set.