

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

am

Mailed: April 21, 2010

Cancellation No. 92051361

United Home Care Services,
Inc.

v.

United Home Care, Inc.

Elizabeth A. Dunn, Attorney (571-272-4267):

Proceedings herein are suspended pending disposition of petitioner's motion (filed March 26, 2010) for summary judgment on the pleaded issue of priority and likelihood of confusion.¹

Petitioner's consented motion, filed February 25, 2010, to file an amended fraud claim is granted. The Board notes respondent's answer to the amended petition to cancel filed March 12, 2010.

¹ Pursuant to the parties' stipulation filed November 24, 2009 and approved by the Board on December 24, 2009, initial disclosures were due December 11, 2009. See Trademark Rule 2.127(a)(1) ("A party may not file a motion for summary judgment until the party has made its initial disclosures, except for a motion asserting claim or issue preclusion or lack of jurisdiction by the Trademark Trial and Appeal Board.");

The parties' stipulation filed April 19, 2010 to extend respondent's time to file its response to the motion for summary judgment is approved. The Board notes that petitioner's motion for summary judgment comprises filings made on March 26, 2010, March 29, 2010, and April 8, 2010. While none of the filings exceed the time limits for filing a motion for summary judgment, and the parties apparently addressed this piecemeal filing by stipulating that respondent would have additional time to respond, petitioner is advised that filings should be completed on the same day.

Any paper filed during the pendency of the motion for summary judgment which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).
