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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053911
Party	Plaintiff Ovation LLC
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Date	02/13/2012
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 3,832,523  
For the mark OVATION  
Registered on August 10, 2010

Ovation, LLC, a Delaware Limited Liability	)	Cancellation No. 92053911
Company,	)	
	)	
Petitioner,	)	
	)	
vs.	)	
	)	
Ovation, Inc., a Tennessee corporation,	)	
	)	
Registrant.	)	
	)	
	)	

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United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**RESPONSE TO JANUARY 31, 2012 ORDER TO SHOW CAUSE**

Petitioner Ovation, LLC. (“petitioner”) responds to the Board’s January 31, 2012 Order to Show Cause as follows:

On January 31, 2012, the Board issued an Order noting that “petitioner’s time for filing a brief on the case has expired, and no brief has been filed.” Order at 1 (citing Trademark Rule 2.128(a)(3)). The Board requests that petitioner show cause “why the Board should not treat its failure to file a brief as a concession of the case.”

Based on the current schedule, however, it does not appear to petitioner that any brief was due. The current schedule, based on a Consented Motion for 60 Day Extension filed on September 22, 2011, and approved by the Board on September 23, 2011 is as follows:

November 26, 2011: Initial disclosures due

March 25, 2012: Expert disclosures due

April 25, 2012: Discovery period closes

June 8, 2012: Plaintiff's pretrial Disclosures Due

July 23, 2012: Plaintiff's 30-day Trial Period Ends

August 7, 2012: Defendant's Pretrial Disclosures

September 21, 2012: Defendant's 30-day Trial Period Ends<sup>1</sup>

October 6, 2012: Plaintiff's Rebuttal Disclosures

November 5, 2012: Plaintiff's 15-day Rebuttal Period Ends

Petitioner therefore respectfully requests that the Board withdraw or further explain the January 31, 2012 Order.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Dated: February 13, 2012

By: 

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<sup>1</sup> There appears to have been a typo in the Consented Motion For 60 Day Extension listing this date as September 21, 2011, which may account for the confusion. However as all other dates are listed as 2012, it is clear that this was a typo.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing RESPONSE TO JANUARY 31, 2012 ORDER TO SHOW CAUSE was served on Registrant at the following address of record, by First Class Mail, postage prepaid, this 13th day of February 2012:

Paige W. Mills  
BASS BERRY & SIMS PLC  
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Grace Linker  
Trademark Paralegal