

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: March 3, 2016

Cancellation No. 92054069

Marc Hogue

v.

Skydive Arizona, Inc.

Geoffrey M. McNutt, Interlocutory Attorney:

On March 2, 2016, the Board convened a telephone conference with counsel for the parties to discuss the status of this proceeding.

Jimmie Pursell and Paul Johnson appeared as counsel for Petitioner, and David Barker appeared as counsel for Respondent. Interlocutory Attorney Geoffrey McNutt conducted the conference on behalf of the Board.

The parties advised the Board that the civil litigation between them has concluded without any final decision that would have a bearing on this Board proceeding.¹

Counsel for Respondent further indicated that in view of the testimony in the civil action, it may no longer be necessary to take the deposition of Alan Fink by means of written questions.²

¹ To the extent issues still remain pending, the parties indicated that they relate not to the final decision on the merits of the action, but to post-trial matters such as costs and fees.

Finally, the parties discussed the assignment of the involved Registration No. 3099847 from Skydive Arizona, Inc. to Arizona Skydiving Holdings, LLC, which was executed on December 12, 2013, and recorded with the USPTO Assignment Recordation Branch on April 15, 2014, at Reel/Frame 5261/0141. Absent objection, Arizona Skydiving Holdings, LLC, will be joined as a party-defendant when proceedings resume.³

Accordingly, and by agreement of the parties, proceedings will remain **SUSPENDED** until June 1, 2016, at which time proceedings will resume automatically without further notice from the Board, on the following schedule.

Discovery Closes	8/1/2016
Plaintiff's Pretrial Disclosures	9/15/2016
Plaintiff's 30-day Trial Period Ends	10/30/2016
Defendant's Pretrial Disclosures	11/14/2016
Defendant's 30-day Trial Period Ends	12/29/2016
Plaintiff's Rebuttal Disclosures	1/13/2017
Plaintiff's 15-day Rebuttal Period Ends	2/12/2017

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

² If Respondent ultimately decides not to take Mr. Fink's deposition on written questions, then Respondent is directed to notify the Board by filing a withdrawal of its prior Notice of Deposition Upon Written Questions of Alan Fink.

³ When a registration that is the subject of a Board proceeding is assigned after the commencement of the proceeding, and the assignment is recorded with USPTO, the assignee will be joined, rather than substituted, *unless* the assignor is no longer in existence, or the plaintiff raises no objection to substitution, or the discovery and testimony periods have closed. TBMP § 512.01.

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Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.