

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

am

Mailed: October 2, 2012

Cancellation No. 92055169

Paul Blake Jr.

v.

John G. Sampatakakos, Anthony
G. Sampatakakos, Helen
Surprenant, Claire S.
Paicopolos and James G.
Sampas

Jennifer Krisp, Interlocutory Attorney:

On June 21, 2012, the Board clearly suspended proceedings pending registrant's motion to dismiss filed June 20, 2012.

On July 3, 2012, petitioner filed a motion to extend its time to respond to the motion to dismiss; inasmuch as petitioner filed said motion on an ESTTA consent motion form which also reset discovery and trial dates, said motion was inappropriate, given the Board's June 21, 2012 suspension of proceedings.

On July 20, 2012, petitioner filed yet another motion to extend, but said motion did not address petitioner's time to respond to the motion to dismiss. Again, inasmuch as petitioner filed said motion on an ESTTA consent motion form which reset discovery and trial dates, said motion was also

inappropriate, given the Board's June 21, 2012 suspension of proceedings.

Both motions were automatically granted by ESTTA on the same days they were filed; however, to the extent explained above, both motions were procedurally inappropriate.

In order to advance this proceeding, and to address the procedural problem that has been occasioned by petitioner's filings:

- 1) proceedings remain suspended pursuant to Trademark Rule 2.127(d) pending disposition of respondent's motion to dismiss;
- 2) petitioner is allowed until **twenty days from the mailing date of this order** in which to file a brief in response to registrant's motion to dismiss;
- 3) respondent's reply brief, if any, shall be due by operation of Trademark Rule 2.127(a) (the time for filing a reply brief shall not be extended).

In the event that the motion to dismiss is withdrawn or is no longer a viable motion, respondent is directed to file a paper in this proceeding clearly stating this to the Board. To avoid further procedural and scheduling issues, any such paper should be filed using the "other motions" form in ESTTA.