

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

Mailed: March 4, 2014

Cancellation No. 92058315

State of Michigan

v.

M22, LLC

Jennifer Krisp, Interlocutory Attorney:

The Board notes 1) petitioner's January 13, 2014 First Amended Consolidated Petition to Cancel, filed with its brief in opposition to respondent's December 23, 2013 motion to dismiss, and 2) respondent's January 22, 2014 filing captioned "Registrant's Reply to Petitioner's Opposition to Registrant's Partial Motion to Dismiss." Inasmuch as the latter sets forth a challenge to petitioner's amended petition to cancel pursuant to Fed. R. Civ. P. 12(b)(6), the Board construes the "Reply" as a motion to dismiss the amended petition to cancel.¹ Accordingly, petitioner is allowed until fifteen (15) days from the mailing date of this order in which to file a brief in opposition to said motion. A reply brief, if filed, shall be due by operation of Trademark Rule 2.127(a).

Proceedings remain suspended pending disposition of respondent's motion to dismiss the amended petition to cancel. Trademark Rule 2.127(d). Any paper

¹ Respondent's December 23, 2013 motion to dismiss is moot in view of petitioner's filing of the amended petition to cancel.

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filed during the pendency of this motion which is not relevant thereto will be given no consideration.