

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

VV

Mailed: May 5, 2016

Cancellation No. 92060029

Jahn & Associates, LLC

v.

*Melvin N.A. Avanzado DBA The Avanzado
Law Firm*

Wendy Boldt Cohen, Interlocutory Attorney:

Respondent's motion for summary judgment (filed April 22, 2016) is noted.

As provided in Trademark Rule 37 CFR §2.127 (e)(1), a motion for summary judgment should be filed before the opening of the first testimony period as originally set or reset. In *inter partes* proceedings before the Board, trial commences with the opening of the *first* testimony period. Therefore, a motion for summary judgment should be filed prior to the opening of the first testimony period, as originally set or as reset, and the Board, in its discretion, may deny as untimely any summary judgment motion filed thereafter. *See* TBMP § 528.02 (2015).

As set in the Board's January 26, 2016 order, Petitioner's testimony period ended March 30, 2016. In view of the forgoing, and because Applicant filed its motion for summary judgment after the opening of the first testimony period, Applicant's motion is untimely and will not receive any further consideration.

The trial dates remain as set.