

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

WINTER/am

Mailed: December 3, 2015

Cancellation No. 92062050

*Kamal Karmakar*

*v.*

*Vend Limited*

**By the Trademark Trial and Appeal Board:**

On November 16, 2015, the Board issued an order granting Respondent's motion to dismiss (filed September 28, 2015) as conceded. On November 23, 2015, Petitioner filed a request for reconsideration of the Board's November 16, 2015 order. A review of Respondent's motion to dismiss reveals that Respondent was only seeking to dismiss Petitioner's claims of mere descriptiveness under Section 2(e)(1) and of false suggestion of a connection under 2(a) of the Trademark Act, 15 U.S.C. §§ 1052(a) & 1052(e)(1), and not Petitioner's claim of priority and likelihood of confusion under Trademark Section 2(d), 15 U.S.C. § 1052(d). In view thereof, the Board's order dated November 16, 2015, dismissing the petition to cancel is *vacated*.<sup>1</sup>

Accordingly, Respondent's partial motion to dismiss (filed September 28, 2015) is granted as conceded as to Petitioner's claim of mere descriptiveness under Section

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<sup>1</sup> A response to Petitioner's motion for reconsideration is not required.

2(e)(1) and claim of false suggestion of a connection under 2(a) of the Trademark Act, 15 U.S.C. §§ 1052(a) & (e). *See* Trademark Rule 2.127(a) and Fed. R. Civ. P. 12(b).

Proceedings herein are resumed as to Petitioner's claim of priority and likelihood of confusion under Trademark Section 2(d), 15 U.S.C. § 1052(d).

Trial dates are reset as indicated below.

Time to Answer	<b>1/2/2016</b>
Deadline for Discovery Conference	<b>2/1/2016</b>
Discovery Opens	<b>2/1/2016</b>
Initial Disclosures Due	<b>3/2/2016</b>
Expert Disclosures Due	<b>6/30/2016</b>
Discovery Closes	<b>7/30/2016</b>
Plaintiff's Pretrial Disclosures	<b>9/13/2016</b>
Plaintiff's 30-day Trial Period Ends	<b>10/28/2016</b>
Defendant's Pretrial Disclosures	<b>11/12/2016</b>
Defendant's 30-day Trial Period Ends	<b>12/27/2016</b>
Plaintiff's Rebuttal Disclosures	<b>1/11/2017</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>2/10/2017</b>

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.

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.