

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

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Mailed: January 22, 2004

Opposition No. 91158493
[Opposition No. 91158190 &
Opposition No. 91158200]¹

Robert Burton Associates,
Ltd

v.

DRL Enterprises, Inc.

Eric McWilliams, Paralegal Specialist

It has come to the attention of the Board that it erred in the institution of the above opposition proceedings. We regret the resulting confusion.

Opposer filed a combined pleading, seeking to oppose six applications owned by the applicant, namely, application Serial Nos. 76/296,926; 76/296,942; 76/369,872; 76/296,931; 78/157,851 and 76/296,945, For reasons that are unclear, the Board "instituted" three separate proceedings against the involved applications, Opposition Nos. 91/158493 (this proceeding), 91/158190 and 91/158200. While Opposition No. 91/158190 appears to have been instituted against all of the

¹ Opposition Nos. 91/158190 and 91/158200 are noted in the caption only for purposes of this order. The parties should not caption subsequent papers in this manner.

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involved applications, as evidenced by the copies of the institution order mailed to the parties, the proceeding was subsequently deleted out of the Board's system as improperly instituted. As such, there is no Board record of the proceeding. Opposition No. 91/158200 was instituted solely against application Serial No. 76/296,931.

Pursuant to usual Board practice, only one proceeding against all listed applications should have been instituted. TBMP § 305. To remedy the Board's error, our records have been updated to indicate that this proceeding (Opposition No. 91/158493) is the single proceeding involving all six applications. Henceforth, all papers should be filed in this proceeding only. The institution letter sent to the parties in Opposition No. 91/158190 should be disregarded as this proceeding was never formally instituted and Opposition No. 91/158200 is hereby dismissed as nullity.

We also note that applicant filed a motion to dismiss on November 14, 2003 and a reply in support of its motion to dismiss on December 22, 2003 in Opposition No. 91/158200.² Applicant's motion to dismiss and reply brief will be moved into this proceeding.

² Opposer's brief in response to the motion was filed in this proceeding and is of record.

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Accordingly, proceedings herein are suspended pending disposition of the motion to dismiss. Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).

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