

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

Winter/nmt

Mailed: April 4, 2011

Opposition No. 91195086

Ira M. Marlowe

v.

Sirius XM Radio Inc.

**ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:**

Motion to Amend

The Board notes that on February 17, 2011, applicant filed a motion to amend its answer to the notice of opposition to add a counterclaim which seeks cancellation of opposer's pleaded Registration No. 3779511.

Applicant is advised that the proper fee for the counterclaim has not been paid. See Trademark Rules 2.106(b)(2) and 2.111. In view thereof, applicant is allowed until **FIFTEEN DAYS** from the mailing date of this order to submit its filing fee for the counterclaim, failing which the counterclaim will not be considered. See *Id.*

Applicant's Motion for Summary Judgment

This proceeding is **SUSPENDED** pending disposition of opposer's motion for summary judgment filed on April 1, 2011. Accordingly, any paper filed during the pendency of

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this motion which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d), 37 C.F.R. § 2.127(d).

