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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91196016
Party	Plaintiff Carlos Ramirez
Correspondence Address	GORDON E GRAY III GRAY LAW FIRM 4401 NORTH ATLANTIC AVENUE, SUITE 233 LONG BEACH, CA 90807-2218 UNITED STATES geg@grayiplaw.com
Submission	Motion to Dismiss 2.132
Filer's Name	Gordon E. Gray III
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Date	10/04/2013
Attachments	Mot Judgment 10-4-13.pdf(76301 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CARLOS RAMIREZ, an individual, and)	Opposition No. 91196016
MAJESTICS CAR CLUB - SOCAL,)	(consolidated with Opposition No.
a club and unincorporated association,)	91198643)
)	
Opposers,)	
)	
v.)	Mark: MAJESTICS CAR CLUB
)	and design
)	Serial No. 77/729,569
FREDRICK J. STAVES, an individual,)	Filed: May 5, 2009
)	
)	
Applicant.)	
)	

MOTION FOR JUDGMENT IN OPPOSITION NO. 91198643

PURSUANT TO 37 CFR § 2.132(a)

The current proceeding, Opposition No. 91196016, has been consolidated with Opposition No. 91198643 by the Board's order, mailed March 14, 2011. The Board's consolidation order states:

Despite being consolidated, each proceeding retains its separate character. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleading; a copy of the decision shall be placed in each proceeding file.

(Dkt. #5, March 14, 2011 order, p. 2.) The March 14, 2011 order further advises the parties:

No paper, document, or exhibit will be considered as evidence in the case unless it has been introduced in evidence in accordance with the applicable rules.

(Dkt. #5, March 14, 2011 order, p. 3.)

Fredrick J. Staves is the opposer and plaintiff in Opposition No. 91198643. Accordingly, he was required as plaintiff in that matter to take testimony and submit evidence pursuant to the requirements of 37 CFR 2.122(e) by September 22, 2013. *See* Opposition No. 91196016, Dkt. #33, December 20, 2012, p. 4. Mr. Staves failed to submit testimony or evidence in compliance with 37 CFR 2.122(e) by September 22, 2013. Accordingly, the applicant in Opposition No. 91198643, Carlos Ramirez hereby respectfully moves for judgment, in Opposition No. 91198643, pursuant to 37 CFR § 2.132(a) and TBMP §535.02. Carlos Ramirez respectfully requests that Opposition No. 91198643 be bifurcated from Opposition No. 91196016 and that judgment should be entered in favor of applicant Carlos Ramirez in Opposition No. 91198643 and his registration allowed to issue.

For the reasons stated above, judgment in Opposition No. 91198643 for Applicant Carlos Ramirez should be entered pursuant to 37 CFR §2.132(a) and TBMP §535.02.

Respectfully submitted,

Dated: October 4, 2013

By: /s/ Gordon E. Gray III
Gordon E. Gray III
GRAY LAW FIRM
4401 N. Atlantic Ave., Suite 233
Long Beach, CA 90807
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Attorney for Carlos Ramirez

CERTIFICATE OF SERVICE

I hereby certify that on the on October 4, 2013, I served the foregoing:

MOTION FOR JUDGMENT IN OPPOSITION NO. 91198643

PURSUANT TO 37 CFR § 2.132(a)

on the party below by First Class U.S. Mail:

FREDRICK J. STAVES
P.O. Box 211
Rialto, CA 92376

Dated: October 4, 2013

By: /Gordon E. Gray III/
Gordon E. Gray III (SBN 175209)
geg@grayiplaw.com