

ESTTA Tracking number: **ESTTA534394**

Filing date: **04/25/2013**

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

Proceeding	91200640
Party	Plaintiff Macy's, Inc.
Correspondence Address	HOLLY PEKOWSKY AMSTER ROTHSTEIN EBENSTEIN LLP 90 PARK AVENUE NEW YORK, NY 10016 UNITED STATES ptodocket@arelaw.com
Submission	Response to Board Order/Inquiry
Filer's Name	Chester Rothstein
Filer's e-mail	ptodocket@arelaw.com
Signature	/Chester Rothstein/
Date	04/25/2013
Attachments	91200640 Response.pdf (2 pages)(87317 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of

*Application Serial No. 85/136,164
of Strategic Marks, LLC
for the mark BULLOCK'S DEPARTMENT STORE
Filed on September 23, 2010
Published for Opposition on March 15, 2011*

----- x

MACY'S, INC.,	:	Opposition No. 91200640
	:	
Opposer,	:	
	:	
v.	:	RESPONSE TO MARCH 26, 2013 TTAB
	:	ORDER TO INFORM THE BOARD OF
STRATEGIC MARKS, LLC,	:	THE STATUS OF THE CIVIL ACTION
	:	
Applicant.	:	

----- x

Registrant responds to the March 26, 2013 Order by the Board, and requests to continue the suspension of the above captioned proceeding pending the disposition of Civil Action No. 11-CV-6198 (the "Civil Action") filed by Opposer against Strategic Marks, LLC (Applicant) in the United States District Court for the Northern District of California on December 9, 2011.

The Civil Action (which occasioned the suspension of this proceeding) remains pending and is expected to go to trial in July 2013.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Registrant
90 Park Avenue
New York, NY 10016
Tel: (212) 336-8000
Fax: (212) 336-8001
Email: ptodocket@arelaw.com

Dated: April 25, 2013
New York, NY

By: 
Chester Rothstein


CERTIFICATE OF SERVICE

Chester Rothstein, the undersigned attorney, hereby certifies that he is one of the attorneys for Opposer in the captioned action, and that on the date which appears below he served a copy of the annexed RESPONSE TO MARCH 26, 2013 TTAB ORDER TO INFORM THE BOARD OF THE STATUS OF THE CIVIL ACTION on counsel for Applicant by causing a copy thereof to be delivered by first class mail addressed to counsel for Applicant as follows:

Chris Ditico, Esq.
RAJ ABHYANKER PC
1580 W El Camino Real STE 8
Mountain View, CA 94040

Kymerleigh N. Korpus, Esq.
KB Ash Law Group
5674 Sonoma Avenue STE A
Pleasanton, CA 94566

Dated: New York, NY
April 25, 2013

By: 

Chester Rothstein