

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

wbc

Mailed: January 10, 2014

Opposition No. 91202952

Atari Interactive, Inc.

v.

Andrew N. Greenberg

**Wendy Boldt Cohen, Interlocutory Attorney:**

The case now comes up on applicant's motion to resume proceedings (filed October 16, 2013) alleging that the bankruptcy proceeding<sup>1</sup> which precipitated suspension of this opposition proceeding has concluded. Opposer filed its response (filed November 4, 2013), arguing that the bankruptcy proceeding is not final; that its filing of a reorganization plan may still impact its ownership of the pleaded registration; and that therefore, this opposition proceeding should remain suspended.

Inasmuch as the bankruptcy proceeding appears to be ongoing and there may be further disposition of the pleaded registration, for good cause shown, the Board further suspends this opposition proceeding pending disposition of

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<sup>1</sup> The case is styled, *In re: Atari, Inc., et. al.*, Case No. 13-10176 (JMP) (SDNY 2013).

the bankruptcy proceeding. See TBMP §§ 510.03(a) and (b) (3d ed. rev.2 2013).

In view of this suspension, all pending motions are denied without prejudice. Within twenty days after the final determination of the bankruptcy proceeding, the parties shall so notify the Board in writing, including a copy of the court's final order.<sup>2</sup>

If a party believes its motion pending at the time of suspension and denied by this order was not resolved or made moot by the bankruptcy proceeding, the party may renew the motion by citing its title, date of filing, and docket entry in the Board's electronic proceeding file. Any motion renewed must be accompanied by a signed statement that the motion has been reviewed in its entirety and concerns matters still disputed between the parties.

If the renewed motion was contested at the time of suspension and the non-moving party believes that its original response requires supplementation in view of events since suspension, the non-moving party has FIFTEEN DAYS from the date of service of the renewal of the motion to file a supplemental response.

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<sup>2</sup> As noted in the Board's August 7, 2013, upon resumption the Board will reset dates, as necessary, which may include the date for opposer to file its pretrial disclosures along with the remaining disclosure and trial dates.

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During the suspension period, the parties shall notify the Board of any address changes for the parties or their attorneys.