

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

nmt

Mailed: October 15, 2012

Opposition No. 91203855

Jimmy John's Enterprises,  
LLC

v.

Jerky John's, Inc.

**George C. Pologeorgis,  
Interlocutory Attorney:**

By order dated September 20, 2012, the Board allowed applicant time in which to advise the Board whether applicant wished to represent itself in this matter or to appoint new counsel.

On October 9, 2012, applicant filed its response stating that applicant would represent itself *pro se* in this proceeding.<sup>1</sup> In view thereof, Board records have been updated accordingly to reflect that applicant will be representing itself in this matter.

Applicant is allowed until **twenty (20) days** from the mailing date of this order in which to file and serve its

---

<sup>1</sup> Applicant's October 9, 2012 response does not demonstrate proof of service of the same upon opposer's counsel, as required by Trademark Rule 2.119. In order to expedite matters, a copy of applicant's response is forwarded to opposer's counsel with a copy of this order.

Opposition No. 91203855

response to opposer's motion to compel filed on August 13, 2012.

Proceedings herein otherwise remain suspended pending disposition of the motion to compel, except as discussed below. The parties should not file any paper which is not germane to the motion to compel. See Trademark Rule 2.120(e)(2).

This suspension order does **not** toll the time for either party to make any required disclosure, to respond to discovery requests which had been duly served prior to the filing and service of the motion to compel, or to appear for a discovery deposition which had been duly noticed prior to the filing and service of the motion to compel. See *Id.* The motion to compel will be decided in due course.