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Filing date: **04/18/2014**

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

Proceeding	91205970
Party	Defendant LXR Biotech, LLC
Correspondence Address	JOHN VANOPHEM BEJIN VANOPHEM & BIENEMAN PLC 300 RIVER PLACE, SUITE 1650 DETROIT, MI 48207 UNITED STATES vanophem@bvbip.com, docket@bvbip.com, litigation@bvbip.com
Submission	Other Motions/Papers
Filer's Name	John VanOphem, Michigan P48804
Filer's e-mail	vanophem@bvbip.com, goodwin@bvbip.com
Signature	/John VanOphem/
Date	04/18/2014
Attachments	LXR Notice Regarding 21st Century Brands' Notice of Bankruptcy (TTAB Opp 91205970).pdf(212199 bytes)

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

21 st Century Brands LLC)	
An Arizona Limited Liability Company,)	
)	Opposition No. 91205970
)	
Opposer,)	
v.)	Serial No. 85/434,448
)	
LXR Biotech, LLC)	Mark: ee (stylized)
A Michigan Limited Liability Company,)	
)	Interlocutory Attorney:
)	Yong Oh (Richard) Kim
Applicant.)	
)	

**APPLICANT LXR BIOTECH LLC'S NOTICE REGARDING 21st CENTURY BRANDS'
NOTICE OF BANKRUPTCY**

Defendant/Applicant LXR Biotech, LLC, through its attorneys, Bejin VanOphem & Bieneman PLC, files this Notice regarding Plaintiff/Opposer 21st Century Brands LLC's Notice of Bankruptcy filed with the TTAB on April 12, 2014.

The TTAB will not suspend a proceeding when the Plaintiff (21st Century Brands, LLC) files for bankruptcy UNLESS the Defendant (LXR Biotech) has filed a counterclaim to cancel the Plaintiff's USTM Registration or the Plaintiff shows good cause why the proceeding should be suspended. In the present instance, while Plaintiff has not shown any good cause why the proceeding should be suspended, LXR Biotech files this Notice confirming it has filed a counterclaim for cancellation of 21st Century Brands' United States Trademark Registration 3846553.

On March 20, 2014, Defendant LXR Biotech's Motion for Discovery (#20) was granted and Defendant was given until May 31, 2014 to complete its discovery necessary to respond to Plaintiff's Section Motion for Summary Judgment (#18) filed September 6, 2013. Counsel for Defendant telephoned counsel for Plaintiff on March

25, 2014 and sent a confirming communication on March 26, 2014 and a reminder on April 1, 2014, seeking to confer to schedule depositions and to conduct the authorized discovery. Counsel for Plaintiff responded on April 1, 2014 confirming receipt of Defendant's requests and noting he was "await[ing] instruction from my client."

Counsel for Defendant sent another reminder to counsel for Plaintiff on April 9, 2014 requesting a status update and to move forward with the discovery. On April 10, 2014, counsel for Plaintiff again responded via email that he "await[s] instructions." Plaintiff filed Notice of its bankruptcy proceeding with the TTAB on April 12, 2014, noting that the bankruptcy action was filed on March 15, 2014.

Accordingly, LXR Biotech understands that the subject proceeding was automatically stayed by operation of law on March 15, 2014 and that the Board will issue an order recognizing that the subject proceeding was suspended on March 15, 2014. TBMP Section 510.03(a). Accordingly, Defendant LXR Biotech understands that if and when the automatic stay in this matter is lifted, the Board will reset due dates consistent with the above facts providing Defendant LXR Biotech sufficient time to complete the authorized discovery, including depositions of the 21st Century employees and others.

Respectfully submitted,
LXR BIOTECH, LLC, Applicant/Defendant

Date: April 18, 2014

/John VanOphem/

BY: John VanOphem, MI P48804
Bejin VanOphem & Bieneman, PLC
300 River Place, Suite 1650
Detroit, MI 48207
313-263-4298 direct
313-528-6923 fax
vanophem@bvbip.com

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CERTIFICATE OF SERVICE AND FILING

I hereby certify that the foregoing **APPLICANT LXR BIOTECH LLC'S NOTICE REGARDING 21st CENTURY BRANDS' NOTICE OF BANKRUPTCY** is being electronically filed via the Electronic System for Trademark Trials and Appeals (ESTTA) and is being served on even date herewith via email to Gerald K White (email: gkwpatlaw@aol.com), Attorney for Opposer.

Date: April 18, 2014

/John VanOphem/

John VanOphem, MI P48804
Bejin VanOphem & Bieneman, PLC
300 River Place, Suite 1650
Detroit, MI 48207
313-263-4298 direct
313-528-6923 fax
vanophem@bvbip.com

Attorney for Applicant