

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

Mailed: September 12, 2013

Opposition No. 91207517

ic! berlin brillen GmbH,  
RalphAnderl

v.

Eye See Courtesy Glasses

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

On August 14, 2013, opposer filed a motion for leave to amend its notice of opposition concurrently with its amended pleading. Thereafter, on August 20, 2013, opposer filed a second motion for leave to amend its pleading concurrently with a revised amended pleading.

On August 27, 2013, applicant filed its answer to opposer's revised amended pleading filed on August 20, 2013. Inasmuch as applicant filed an answer to opposer's amended pleading filed on August 20, 2013, opposer's motion for leave to amend its pleading filed on August 20, 2013 is **GRANTED** as conceded. Accordingly, opposer's revised amended pleading

filed with its August 20, 2013 motion for leave to amend is now the operative pleading in this matter.<sup>1</sup>

We further note that opposer filed a motion for summary judgment on August 21, 2013. In view thereof, proceedings herein are **suspended** pending disposition of opposer's motion for summary judgment. Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration. *See* Trademark Rule 2.127(d).

As a final matter, the Board notes that opposer served its motion for summary judgment upon applicant via email. The Board presumes therefore that the parties have agreed to accept service of papers by electronic transmission. In view thereof, applicant is allowed until **September 20, 2013** in which to file and serve a response to opposer's motion for summary judgment.<sup>2</sup> A reply brief, if filed, must be filed in accordance with Trademark Rule 2.127(e).

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<sup>1</sup> In light of this order, opposer's motion for leave to amend its pleading filed on August 14, 2013 will be given no further consideration.

<sup>2</sup> Parties who stipulate to accept service of papers via email may not take advantage of the five-additional days for service provided under Trademark Rule 2.119(c). *See McDonalds Corporation v. Cambrige Overseas Development Inc.*, 106 USPQ2d 1339 (TTAB 2013).