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

Proceeding	91229272
Party	Plaintiff Roth Licensing, LLC
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Date	02/26/2018
Attachments	91229272 Roth Status of Civil Action.pdf(21823 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Roth Licensing, LLC,
a California limited liability company,

Opposer,

v.

Dentsply Sirona Inc.,
a Delaware corporation,

Applicant.

OPPOSITION NO.: 91229272

**OPPOSER'S RESPONSE TO REQUEST
FOR UPDATE ON PENDING CIVIL
ACTION**

Opposer Roth Licensing, LLC ("Roth" or "Opposer") through its undersigned counsel, hereby responds to the Office's February 16, 2018 Order for an update on status of the related arbitration proceedings between the parties. As set forth below, the arbitration proceedings that prompted the suspension of this Opposition proceeding are ongoing and have not reached final resolution. For this reason, Opposer requests that the TTAB maintain the stay and set a further update in six months.

On November 28, 2017, the arbitrator rendered an award which, among other things, would (if confirmed) require Applicant to abandon (or the USPTO to deny) the RT RX mark which is the subject of this pending Opposition proceeding. At present, the parties are briefing issues related to confirmation of the arbitration award before Federal District Court Judge Joan M. Azrack in U.S. District Court for the Eastern District of New York, in case number 2:15-cv-02375-JMA-AKT.

Under Judge Azrack's briefing schedule, briefing on this matter will be completed on March 15, 2018, at which time the briefs will be submitted to the Court. The parties do not have a time frame as to when a decision will be reached on whether to confirm the award or take other action. But, because the award as framed would resolve this Opposition proceeding, Roth submits that the stay should be maintained with a further update in approximately six months.

DATED: February 26, 2018

Respectfully submitted,

By /Brian M. Daucher/

BRIAN M. DAUCHER
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Attorneys for Opposer
ROTH LICENSING, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S RESPONSE TO REQUEST FOR UPDATE ON PENDING CIVIL ACTION** has been served on Dentsply Sirona Inc. by emailing and mailing said copy on February 26, 2018 via First Class Mail postage prepaid to:

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Dated: February 26, 2018

/Carole Dubienny/

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