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

Proceeding	91236357
Party	Plaintiff LCO Destiny, LLC
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Applications Serial Nos. 87216557 and 87216577
For Marks: TIMELESS BY DESIGN and TIMELESS BY DESIGN (Stylized) and Design

LCO DESTINY, LLC

Opposer,

Opposition No. 91236357

v.

WHOLESALE DÉCOR LLC, an Ohio
limited liability company,
XYZ, a currently unknown entity,

Applicants.

OPPOSER’S RESONSE TO THE BOARD’S ORDER
DATED JULY 8, 2020

Opposer, LCO Destiny, LLC, hereby responds to the Board’s Order dated July 8, 2020 requesting an update of the status of the civil litigation between the parties which occasioned the suspension of this opposition proceeding.

The civil litigation is a lawsuit filed in the United States District Court for the Northern District of New York, civil action no. 5:17-cv-946 (FJS/ATB) (hereinafter “Civil Litigation”). The court in the Civil Litigation stayed proceedings by order dated December 4, 2019 [Dkt. 79] to monitor developments in a related Ohio state court lawsuit filed on July 17, 2019 (hereinafter “Ohio Lawsuit”) in which a receiver was appointed to exclusively manage the affairs of, and to sell off the assets of, Applicant, Wholesale Décor LLC. The assets specifically include the intellectual property, including the trademarks at issue in this opposition proceeding and at issue in the Civil Lawsuit. To Opposer’s knowledge, the trademarks have not been sold by the receiver.

The order appointing the receiver predicts that the funds to be received from the sale of the assets will not exceed the sums due to creditors. Thus, it seems clear that Applicant will no longer exist as a viable entity upon resolution of the Ohio Lawsuit.

The court in the Civil Lawsuit ordered the parties to provide monthly reports updating the status of the Ohio Lawsuit. To Opposer's knowledge, there have been no significant developments in the Ohio Lawsuit since the order staying the Civil Action, and the Ohio Lawsuit is far from resolution insofar as the trademarks are concerned.

Accordingly, Opposer requests that the instant opposition proceeding continue to be suspended pending the resolution of the Civil Lawsuit.

Dated: July 8, 2020

Respectfully submitted,
The Law Office of Robert E. Purcell, PLLC

A handwritten signature in black ink, appearing to be 'R. Purcell', written in a cursive style.

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ATTORNEY FOR OPPOSER

CERTIFICATE OF SERVICE

I certify that on the 8 day of July, 2020 a copy of the foregoing OPPOSER'S RESONSE TO THE BOARD'S ORDER DATED JULY 8, 2020 was sent via e-mail and First Class U.S. Mail, to the following:

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