UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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JMW

June 26, 2019

Opposition No. 91240378

RLP Ventures, LLC

v.

Windgate Consulting, Inc.

Rebecca Stempien Coyle, Interlocutory Attorney:

On June 9, 2019, Opposer filed a combined motion for leave to file a first amended notice of opposition to add a claim of nonuse, and for summary judgment on the proposed claim and its existing claim of likelihood of confusion.[1] The summary judgment is timely pursuant to Trademark Rule 2.127(e)(1).

When a party timely files a potentially dispositive motion, the proceeding is suspended with respect to all matters not germane to the motion, and no party should file any paper which is not germane to the motion except as otherwise may be specified in a Board order. *See* Trademark Rule 2.127(d). Accordingly, as of the filing

[1] The Board notes that there is no signature on the motion itself. Although the electronic signature entered on the ESTTA cover sheet is sufficient as the required signature for the entire submission, the Board prefers that the actual submission also be signed. *See PPG Industries Inc. v. Guardian Industries Corp.*, 73 USPQ2d 1926, 1928 (TTAB 2005).

date of the motion for summary judgment, proceedings are **suspended** pending disposition of the combined motion. Any paper filed during the pendency of this motion which is not germane thereto will be given no consideration. *See* Trademark Rule 2.127(d).

Applicant's combined brief in response to Opposer's combined motion shall be due within 30 days of the date of service of the combined motion. If Opposer elects to file a reply brief, it may file a combined reply brief in support of both the motion to amend and the motion for summary judgment. The combined reply brief, if filed, shall be due in accordance with Trademark Rule 2.127(e)(1). The time for filing a reply brief will not be extended or reopened. *Id*.

In addition to tolling the time to respond to outstanding discovery requests, suspension of proceedings tolls the time for parties to make required disclosures. *See* TBMP § 528.03.

The combined motion for leave to amend and for summary judgment will be decided in due course.