

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500
General Email: TTABInfo@uspto.gov

WF/KWM

November 13, 2018

Opposition No. 91242551

E. & J. Gallo Winery

v.

Russell Distillers Limited

**Katie W. McKnight,
Interlocutory Attorney:**

The Board notes Opposer's motion to dismiss Applicant's Counterclaims based upon a failure to state a claim (filed October 3, 2018).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 date of the motion to dismiss, proceedings are suspended pending disposition of the 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).

¹ The Board also notes Applicant's response (filed October 22, 2018) in opposition to, and Opposer's reply (filed November 8, 2018) in support of, the motion to dismiss.

The parties should note that the schedule for the discovery conference, initial disclosures and discovery is also suspended by this order and will be reset in the event that the Board resumes proceedings. TBMP § 401.01 (2018).

The motion to dismiss will be decided in due course.