

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
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RK/vw

May 17, 2019

Opposition No. **91247399**

Essential Products, Inc.

v.

Spigen, Inc.

Yong Oh (Richard) Kim, Interlocutory Attorney:

On May 13, 2019, prior to the deadline for answer, Applicant moved to dismiss the notice of opposition for failure to state a claim under Fed. R. Civ. P. 12(b)(6).

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).

The motion to dismiss will be decided in due course.¹

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¹ The schedule for the discovery conference, initial disclosures and discovery will be reset in the event that the Board resumes proceedings. TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 401.01 (2018).