

UNITED STATES PATENT AND TRADEMARK OFFICE  
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JK

December 15, 2021

Opposition No. 91267205

*Nest Egg Labs Inc.*

*v.*

*Peeknest Inc.*

**J. Krisp, Interlocutory Attorney:**

On November 12, 2021 Opposer filed a motion for summary judgment. In response, on December 13, 2021 Applicant filed a cross-motion for summary judgment. 8-9 TTABVUE. The motions are 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 submission 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 for summary judgment, proceedings are suspended pending disposition of the cross-motions. Any submission filed during the pendency of the cross-motions which is not germane thereto will be given no consideration. *See* Trademark Rule 2.127(d); TBMP § 528.03.

Opposer is directed to file a single, combined reply brief in support of its motion for summary judgment and brief in response to Applicant's cross-motion. Applicant's reply brief in support of its cross-motion is due no later than twenty days from the date of service of Opposer's combined reply brief and brief in response to Applicant's cross-motion. *See* Trademark Rule 2.127(e)(1). Applicant's reply brief may not exceed the ten page limitation set forth in Trademark Rule 2.127(a).

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 cross-motion for summary judgment will be decided in due course.