

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

CV

Mailed: August 11, 2005

Cancellation No. 92044270

SMART CHOICE FOOD SALES,
LTD.

v.

NATURE'S WAY PRODUCTS, INC.

Jyll S. Taylor, Attorney:

Proceedings herein are suspended pending disposition of the motion for summary judgment.¹ Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).

¹ The Board notes that the memorandum in support of petitioner's motion for summary judgment is marked "Confidential Subject to Protective Order." However, to be handled as confidential, and kept out of the public record, submissions to the Board that are confidential must be filed under a separate cover. Both the submission and the cover must be marked confidential and must identify the case number and the parties. Additionally, a copy of the submission with the confidential portions redacted must be submitted. See 37 CFR § 2.126(d), Trademark Rule 2.126(d).¹ See also TBMP § 120.02. As a courtesy, the Board will treat the memorandum as confidential as soon as a redacted copy is submitted. Future failure to follow the proper procedure for filing confidential submissions may result in those submissions being a part of the public record.