

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

Baxley

Mailed: February 19, 2008

Cancellation No. 92045947

Dan Tana

v.

Great Concepts, LLC

Andrew P. Baxley, Interlocutory Attorney:

On February 15, 2008, respondent filed a motion to resume proceedings in this case following the the February 12, 2008 issuance by the United States District Court for the Central District of California of a decision in which the district court dismissed a civil action styled *Dan Tana v. Dantanna's, Great Concepts, LLC, et al.*, Case No. CV 07-05532-ABC (JwJx) ("the February 12, 2008 decision"), which had occasioned the suspension of this proceeding, for lack of personal jurisdiction. See Fed. R. Civ. P. 12(b)(2).

In that decision, the civil action was dismissed with prejudice to refiling in the State of California, but without prejudice to refiling elsewhere, such as in the State of Georgia, where respondent is based. See the February 12, 2008 decision at 19. Moreover, petitioner's time in which to appeal the February 12, 2008 decision has not lapsed. See Fed. R. App. P. 4.

Cancellation No. 92045947

Accordingly, the Board, in exercising its inherent authority to control the scheduling of cases on its docket, finds that resumption of this proceeding is premature at this time. Proceedings remain suspended in accordance with the Board's September 20, 2007 order.