

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

Mailed: September 28, 2011

Cancellation No. 92045971

Westgro Sales, Inc.

v.

Mastronardi Produce Ltd.

**George C. Pologeorgis,
Interlocutory Attorney:**

On September 15, 2011, petitioner filed a request for reconsideration of the Board's August 24, 2011 order denying petitioner's motion for summary judgment. On September 21, 2011, the Board suspended this proceeding pending the disposition of petitioner's motion for reconsideration.

The Board notes that on September 22, 2011 petitioner filed a corrected version of its motion for reconsideration.

In view thereof, respondent is allowed until **October 12, 2011** in which to file a response to petitioner's corrected motion for reconsideration. A reply brief, if filed, should be submitted in accordance with Trademark Rule 2.127(a).¹

Proceedings herein otherwise remain suspended pending the disposition of petitioner's corrected motion for reconsideration filed on September 22, 2011.

¹ In light of petitioner's corrected filing, petitioner's originally-filed motion for reconsideration will be given no further consideration.

As a final matter, petitioner's motion (filed August 16, 2011) for leave to take discovery and testimonial depositions on oral examination remains deferred pending the disposition of petitioner's corrected motion for reconsideration. In the event the Board denies petitioner's corrected motion for reconsideration, the Board will at such time reset respondent's time in which to file a response to petitioner's motion for leave to take discovery and testimonial depositions upon oral examination.