

TTAB

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Reply to White Plains Office

June 8, 2011

Via Electronic Filing and Regular Mail

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

77494364

Re: Cancellation No. 92051986; Registration No. 3546843

Dear TTAB:

As the TTAB may be aware, our firm represents Registrant/Defendant, Jordan Drew Corp. (“Jordan Drew”) in the above captioned matter. We write to the TTAB at this time in response to the recent June 6, 2011 Order of the TTAB lifting the suspension of these Cancellation Proceedings.

We would respectfully request at this time, that the TTAB continue the suspension of these Cancellation Proceedings pending full and final resolution of ongoing litigation in Federal Court in the Southern District of New York between Petitioner Versatile Housewares & Gardening Systems, Inc., and Jordan Drew, Case No. 09-CV-10182 (KMK) (the “Federal Action”). The Federal Action involves a dispute between Jordan Drew and Versatile over ownership of the same trademark at issue in this Cancellation Proceeding; namely the registered trademark “Awesome Auger”. The Federal Action is still ongoing, and Judge Karas recently issued an Order extending discovery in the Federal Action until August 31, 2011. See Exhibit “A”, June 3, 2011 Order of Judge Karas.

The June 6, 2011 Order of the TTAB terminating the suspension of these Cancellation Proceedings makes reference to correspondence to the parties dated April 4, 2011; that TTAB correspondence apparently sought information from the parties regarding the status of the Federal Action. Please be advised that our office either did not receive such correspondence, or inadvertently overlooked the TTAB’s April 4, 2011 correspondence. We want to sincerely apologize to the TTAB for that oversight, and any inconvenience it may have caused.

Given that the Federal Action is still ongoing, we would again respectfully request that the TTAB suspend these Cancellation Proceedings until such time as the Federal Action is fully resolved.

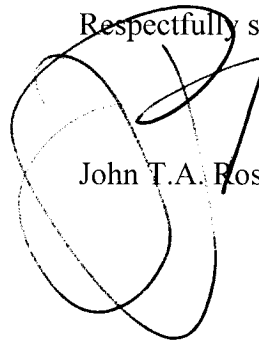


06-10-2011

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We wish to thank the TTAB in advance for its time and consideration in this matter. If the TTAB has any questions, please feel free to contact us.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "John T.A. Rosenthal", written over a circular stamp or watermark.

John T.A. Rosenthal

JTR:
Encl.

CC: Michael T. Griggs
Boyle Fredrickson, S.C.

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

VERSATILE HOUSEWARES & GARDENING
SYSTEMS INC.,

Plaintiff,

-v-

SAS GROUP INC. et al.,

Defendants.

09-CV-10182 (KMK) (PED)


SCHEDULING ORDER

KENNETH M. KARAS, District Judge:

The Parties appeared for a status conference on June 3, 2011. Amended pleadings must be filed by no later than June 17, 2011. The deadline for completion of any remaining necessary discovery is August 31, 2011. The Parties should contact Magistrate Judge Davison for the resolution of any discovery disputes. The Court will hold a pre-motion conference on October 25, 2011, at 10:00 A.M., at which counsel for all Parties must appear in person. Pre-motion letters (of no more than five pages in length) are due October 11, 2011, and responses are due October 17, 2011. Counsel for Defendants Thill Logistics Inc. and NAT LLC may, but need not, send the Court a letter updating its previously submitted pre-motion letter.

SO ORDERED.

Dated: White Plains, New York
June 3, 2011


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

VERSATILE HOUSEWARES &
GARDENING SYSTEMS, INC.,

Plaintiff,

Cancellation No. 92051986

v.

Registration No. 3546843

JORDAN DREW CORPORATION,

Defendant.

STATE OF NEW YORK) :
) : ss:
COUNTY OF WESTCHESTER) :

Shirley Thornton, being duly sworn, deposes and says: that deponent is not a party to the action and is over the age of 18 years and resides in Westchester County, New York. That on June 8, 2011, I served a copy of the within **Letter to the United States Patent and Trademark Office, Trademark Trial and Appeal Board**, by serving same on:

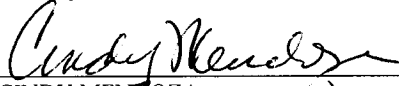
Michael T. Griggs, Esq.
BOYLE FREDRICKSON S.C.
840 N. Plankinton Avenue
Milwaukee, WI 53203
(414) 225-9753

By transmitting the papers by electronic means to the telephone number listed above, which number was designated by the attorney for such purpose. I received a signal from the equipment of the attorney served indicating that the transmission was received.



Shirley Thornton

Sworn to before me this
8th day of June, 2011



CINDY MENDOZA
Notary Public, State of New York
No. 01ME4803365
Qualified in Westchester County
Commission Expires December 31, 2014