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

Proceeding	92057500
Party	Plaintiff Orbis Distribution, Inc.
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Submission	Other Motions/Papers
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Date	06/01/2015
Attachments	Renewal of Motion for Summary Judgment. 6.1.15.pdf(206383 bytes)

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

In the Matter of Trademark Application Serial Number: 78/368710
Registration Number: 3197276
For the Mark: Bee Naturals

Orbis Distribution, Inc,
Plaintiff,

v.

Bee Naturals, Inc.,
Defendant.

Cancellation Number:
92057500

PLAINTIFF’S RENEWAL OF ITS MOTION FOR SUMMARY JUDGMENT

The Plaintiff submitted a Motion for Summary Judgment on May 3, 2015. The Board issued a Notice of Default against the Defendant and deemed that the Plaintiff’s Motion for Summary Judgment was suspended pending an answer and response from the Defendant regarding the Notice of Default. The Defendant has finally responded to the Board.¹

The Plaintiff now renews its Motion for Summary Judgment. For each of the reasons cited therein, Summary Judgment in favor of the Plaintiff is appropriate, and the Defendant’s registration must be cancelled regardless of whether the Board rules in the Defendant’s favor on the issue of Default for Failure to Answer the amendment to the Complaint.²

The Plaintiff therefore respectfully requests that in the event that the Board does not rule in the Plaintiff’s favor regarding issue of default, that the Board suspend the proceedings pending a decision on its Motion for Summary Judgment. The Defendant has gained an extra month to respond to the Motion for Summary Judgment, and so the Plaintiff requests that the Board set the

¹ As with every document filed by the Defendant, the Defendant delayed the proceedings, waiting until the last possible day to respond to the Board’s Notice of Default.

² The Plaintiff has also filed a Reply to the Defendant’s Response concerning the issue of default.

deadline for the filing Defendant's Response to the Motion for Summary Judgment as July 1, 2015.

Dated: June 1, 2015

Respectfully Submitted,

/John M. Bolger/

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CERTIFICATION OF SERVICE

I hereby certify that a true and correct PDF copy of this Motion for Summary Judgment (per the Discovery Conference stipulation) was sent via email, delivery and read receipt requested to counsel for the Defendant at the email listed below on June 1, 2015, and that a courtesy phone call was also placed to him:

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