

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

DUNN

Mailed: October 16, 2015

Cancellation No. 92057500

Orbis Distribution, Inc.

v.

BeeNaturals, Inc.

Elizabeth A. Dunn, Attorney (571-272-4267):

Proceedings herein are suspended pending disposition of Petitioner's motion (filed October 15, 2015) for summary judgment.

The statement accompanying the motion indicates that, pursuant to the Board's August 6, 2015 order, Petitioner sought to discuss the motion with Respondent by phone and also sent an email which was read on October 5, 2015.¹ The Board's August 6, 2015 order required Respondent to respond promptly to Petitioner's phone and email communications. Inasmuch as Respondent failed to

¹ To the extent that Petitioner's assertion that the Board found that "there was no further need to seek the Defendant's consent to file motions" implies otherwise, the Board clarifies that all sanctions set by the Board's August 6, 2015 order remain in effect. The Board granted the necessary permission for Petitioner to file this motion in the absence of Respondent's consent.

comply, absent extraordinary circumstances, the Board will not entertain a motion by Respondent for discovery under Fed. R. Civ. P. 56(d).²

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).

² If Respondent believes extraordinary circumstances prevented its prompt response to Petitioner's communications, Respondent must arrange a conference with Petitioner and the Board in which to explain the extraordinary circumstances within FIVE DAYS of the mailing date of this order. After discussing scheduling with Petitioner, Respondent must contact the Board via Attorney Elizabeth Dunn.