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

Proceeding	92064261
Party	Defendant John Groat dba Holly Shirt!
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Submission	Opposition/Response to Motion
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Date	07/17/2017
Attachments	2017-07-17-Reg-Reply-to-Pet-Opp-re-Motion-to-Suspend.pdf(722394 bytes )

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

In the Matter of Registration Serial No. 4,099,565

-----X  
Michael Spitzbarth,

*Petitioner,*

Cancellation No.  
92064261

-vs-

JOHN GROAT  
D/B/A HOLY SHIRT!,

*Registrant.*

-----X  
**REGISTRANT'S REPLY TO PETITIONER'S BRIEF IN OPPOSITION TO  
REGISTRANT'S MOTION TO SUSPEND THIS CANCELLATION PROCEEDING  
PENDING THE RESOLUTION OF REGISTRANT'S MOTION FOR  
RECONSIDERATION OF THE BOARD'S DECISION DATED JUNE 20, 2017**

Registrant, John Groat, hereby replies to Petitioner's Brief In Opposition To Registrant's Motion To Suspend This Cancellation Proceeding Pending The Resolution of Registrant's Motion For Reconsideration of The Board's Decision Dated June 20, 2017.

Petitioner argues this proceeding should not be stayed pending Registrant's motion for reconsideration of the denial of his motion for summary judgment simply on the basis that the Board's denial of summary judgment was allegedly proper.

There can be no dispute Registrant's motion for reconsideration is potentially dispositive of this proceeding. The motion requests that the Board (1) vacate its decision denying Registrant's motion for summary judgment because the Board committed clear error in ruling that Registrant was required to raise the affirmative defense of lack of standing, and (2) address the merits of the motion for summary judgment. Accordingly, suspension of this proceeding is mandated under 37 C.F.R. § 2.127(d) and TBMP 510. Further, good cause exists for the requested suspension. See 37 C.F.R. § 2.117(b) and TBMP 510.

Accordingly, Registrant's motion to suspend this proceeding should be granted.

Dated: July 17, 2017

By: 

Robert E. Purcell

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*Attorneys for the Registrant, John Groat*

**CERTIFICATE OF SERVICE**

I certify that on the 17 day of July, 2017 a copy of the foregoing REGISTRANT'S REPLY TO PETITIONER'S BRIEF IN OPPOSITION TO REGISTRANT'S MOTION TO SUSPEND THIS CANCELLATION PROCEEDING PENDING THE RESOLUTION OF REGISTRANT'S MOTION FOR RECONSIDERATION OF THE BOARD'S DECISION DATED JUNE 20, 2017 was sent via E-Mail and First Class U.S. Mail, postage pre-paid, to the following:

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/s/Allison Haines

Allison Haines