

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451
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June 19, 2019

Cancellation No. 92066525

Mariana Travassos Miguel Pereira

v.

Dean Thompson

Geoffrey M. McNutt, Interlocutory Attorney:

On May 3, 2019, Respondent filed a motion for involuntary dismissal pursuant to Trademark Rule 2.132. Subsequently, on May 28, 2019, Respondent filed a motion for summary judgment.¹ The motion for summary judgment is timely pursuant to Trademark Rule 2.127(e)(1).

1. Motion for Dismissal

Trademark Rule 2.132 involves cases where a plaintiff's trial period ends without the plaintiff having submitted any testimony or evidence. Petitioner's 30-day trial

¹ The Board notes that Respondent served a copy of the motion for summary judgment on Petitioner via postal mail. Pursuant to Trademark Rule 2.119(b), serviced must be made by email, unless otherwise stipulated, or if the serving party can show that service by email was attempted but could not be made due to technical problems or extraordinary circumstances. Nevertheless, Petitioner did not object to the method of service, but instead responded to the motion on its merits. Accordingly, the motion for summary judgment will be considered. Going forward, however, Respondent is expected to comply with the rules governing service.

period is scheduled to open on June 28, 2019, and close on July 28, 2019. In view thereof, the motion for involuntary dismissal is **denied** as premature.

2. Motion for Summary Judgment

Proceedings herein are **suspended** as of the filing date of the motion for summary judgment. Any paper filed during the pendency of the motion which is not germane thereto will be given no consideration. *See* Trademark Rule 2.127(d).

In addition to tolling the time to respond to outstanding discovery requests, suspension of proceedings tolls the time for parties to make required disclosures. *See* TBMP § 528.03.

The motion for summary judgment will be decided in due course.