

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
General Email: TTABInfo@uspto.gov

LTS

June 3, 2020

Cancellation No. 92071349

NT-MDT LLC

v.

Irina S. Kozodaeva

Lawrence T. Stanley, Jr., Interlocutory Attorney:

On March 13, 2020, Petitioner filed a motion for summary judgment on its non-ownership and likelihood of confusion claims. 18 TTABVUE. On March 20, 2020, the Board suspended the proceeding with respect to all matters not germane to the motion. 19 TTABVUE. On May 5, 2020, after the Board granted two consented extensions of time for Respondent to file a response, Respondent filed her response to the motion for summary judgment. 24 TTABVUE. On May 26, 2020, Petitioner filed a reply in support of its motion for summary judgment. 25 TTABVUE.

On May 29, 2020, Petitioner filed a second motion for summary judgment. 26 TTABVUE. In its second motion for summary judgment, Petitioner seeks summary judgment on its nonuse claim. *Id.* Petitioner did not withdraw its first motion for summary judgment before filing the second motion.

As set forth in the Board's March 20, 2020 suspension order, "[a]ny paper filed during the pendency of the [first] motion [for summary judgment] which is not germane thereto will be given no consideration." 19 TTABVue 1. Petitioner's second motion for summary judgment (on its nonuse claim) is not germane to the first motion for summary judgment (on its non-ownership and likelihood of confusion claims). Therefore, Petitioner's second motion for summary judgment will receive no consideration.¹

Proceedings remain suspended pending disposition of Petitioner's first motion for summary judgment. Any paper filed during the pendency of the first motion for summary judgment which is not germane thereto will be given no consideration. *See* Trademark Rule 2.127(d).

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

¹ The Board further notes that Petitioner's first motion for summary judgment is twenty-five pages, and Petitioner's second motion for summary judgment is ten pages. If the first and second motions were consolidated into a single motion, the two together exceed the allowable page limit of twenty-five pages. *See* Trademark Rule 2.127(a).