

ESTTA Tracking number: **ESTTA1048196**

Filing date: **04/09/2020**

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

Proceeding	92071596
Party	Plaintiff Schiebel Industries AG
Correspondence Address	JONATHAN MYERS LUCAS & MERCANTI LLP 30 BROAD STREET 21ST FLOOR NEW YORK, NY 10004 UNITED STATES info@lmiplaw.com, JMmail@lmiplaw.com, lberrios@lmiplaw.com 212-661-8000
Submission	Opposition/Response to Motion
Filer's Name	JONATHAN MYERS
Filer's email	info@lmiplaw.com, JMmail@lmiplaw.com, lberrios@lmiplaw.com
Signature	/jonathan myers/
Date	04/09/2020
Attachments	RIPJ-1032 Response to Motion.pdf(18351 bytes)

**IN THE U.S. PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 5440864
Registered: April 10, 2018
International Classes: 009, 012, 041
Mark: **CAMERA COPTERS and DESIGN**

SCHIEBEL INDUSTRIES, AG
Petitioner

Cancellation No. 92071596

v.

CAMERA COPTERS, INC.
Registrant

**PETITIONER'S RESPONSE TO REGISTRANT'S MOTION FOR A
SUSPENSION OF THE CANCELLATION PROCEEDING**

NOW COMES PETITIONER and files this response to the Registrant's Motion for a suspension of the cancellation proceeding.

Petitioner agrees to a one-month extension of the term for Registrant to file its expert's report pursuant to the CARES Act that is until May 8, 2020. Petitioner does not agree to a suspension of the proceedings for a period of at least ninety days as requested by Registrant and opposes a suspension.

Petitioner wishes to make it clear that it never consented to a suspension of the cancellation proceeding. Petitioner consented only to Registrant's request for an extension of the term to file an expert's report from April 1, 2020 until April 8, 2020. The one week extension together with the thirty day extension under the CARES Act gives Registrant until May 8, 2020 to file the expert's report.

Petitioner objects to the Registrant's open-ended request for a suspension of the proceedings "for at least ninety days." The CARES Act provides for an extension of the term for thirty days for

TTAB deadlines provided the original deadline falls between March 27, 2020 and April 30, 2020. It is up to the USPTO to determine whether any further extensions of the term beyond April 30, 2020 are called for in view of COVID19.

Respectfully submitted,

Dated: April 9, 2020

/Jonathan Myers/
Jonathan Myers
Peter J. Phillips
Attorneys for Cancellation Petitioner

LUCAS & MERCANTI, LLP
30 Broad Street, 21st Floor
New York, NY 10004
Phone (212) 661-8000
Fax (212) 661-8002
jmyers@lmiplaw.com
pjphillips@lmiplaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of PETITIONER'S RESPONSE TO REGISTRANT'S MOTION FOR SUSPENSION was sent to attorneys for Registrant by serving by email this 9th day of April 2020.

Sarah M. Stemer, Esq.
Lerner, Greenberg, Stemer LLP
2445 Hollywood Boulevard
Hollywood, Florida 33022
email: sstemer@patentusa.com

and to the Registrant by serving by email this 9th day of April 2020.

Paul H. Barth
email: pbarth@bellsouth.net

By: /linda berrios/

Linda Berrios

LUCAS & MERCANTI, LLP
30 Broad Street, 21st Floor
New York, NY 10004
Phone (212) 661-8000
Fax (212) 661-8002