

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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RK/kk

May 10, 2021

Cancellation No. **92075977**

*Manufacturera de Botas Cuadra, S.A. de  
C.V.*

*v.*

*Tequila Cuadra S. de R.L. de C.V.*

**Yong Oh (Richard) Kim, Interlocutory Attorney:**

On December 12, 2020, Petitioner filed a petition to cancel Registration No. 4635248 on grounds of abandonment and fraud.<sup>1</sup> As last reset, Respondent was allowed until February 24, 2021, to answer the petition for cancellation.<sup>2</sup> On that date, in lieu of an answer, Respondent moved to dismiss the fraud claim under Fed. R. Civ. P. 12(b)(6).<sup>3</sup>

When a party timely files a potentially dispositive motion, the proceeding is suspended with respect to all matters not germane to the motion, and no party should file any paper not germane thereto except as otherwise may be specified in a Board order. *See* Trademark Rule 2.127(d), 37 C.F.R. § 2.127(d).

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<sup>1</sup> 1 TTABVUE.

<sup>2</sup> 4 TTABVUE & 5 TTABVUE.

<sup>3</sup> 8 TTABVUE.

Accordingly, as of the filing date of the motion to dismiss, proceedings are **SUSPENDED** pending disposition of the motion. Any paper filed during the pendency of this motion which is not germane thereto will be given no consideration. *See* Trademark Rule 2.127(d).

The motion to dismiss will be decided in due course.<sup>4</sup>

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<sup>4</sup> The schedule for the discovery conference, initial disclosures and discovery will be reset upon resumption. TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 401.01 (2020).