

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

August 20, 2021

Cancellation No. 92077459

Phoenix Intangibles Holding Company

v.

Virk Brothers, LLC

Amy Matelski, Paralegal Specialist:

On August 13, 2021, Respondent filed a motion to reopen its time to file an answer to the petition for cancellation and a motion to suspend proceedings pending a civil action between the parties.¹ Respondent's motion does not include proof of service on Petitioner. Trademark Rule 2.119(a) states that every submission filed in an *inter partes* proceeding must be served upon the other party or parties, and proof of such service must be made before the submission will be considered. *See* TBMP § 113.02. The Board may decline to read or consider any future submission filed by Respondent in this proceeding which does not include proof of service. The Board informed the parties of the rules governing service and the service requirement in the notice of

¹ Respondent's August 11, 2021 change of correspondence address is noted and made of record.

institution. Trademark Rule 2.119(b) sets forth the manner of service. *See also* TBMP § 113.04.

At this time, in order to expedite matters, the parties are directed to the following URL where a copy of said response can be viewed via TTABVUE at: <http://ttabvue.uspto.gov/ttabvue/>.

In view thereof, Petitioner is allowed **twenty days** from the mailing date of this order in which to file a response to Respondent's motion to reopen its time to file an answer to the petition for cancellation and a motion to suspend proceedings pending a civil action between the parties.

Proceedings herein are suspended.