

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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NMT/SWF

March 10, 2023

Cancellation No. 92081480

Frank August, LLLP

v.

BFrank, LLC¹

Steven W. Ferrell Jr., Interlocutory Attorney

The Board notes Respondent's motion to dismiss (filed March 4, 2023). 5
TTABVUE.²

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 submission which is not germane to the motion except as otherwise may be specified in a Board order. *See* Trademark Rule 2.127(d). Accordingly, as of the filing

¹ The Board notes Respondent's change of correspondence address (filed March 3, 2023). 4
TTABVUE. Respondent's correspondence information has been updated accordingly.

² Citations to the cancellation record refer to TTABVUE, the Board's online docketing system. *See Turdin v. Trilobite, Ltd.*, 109 USPQ2d 1473, 1476 n.6 (TTAB 2014). Specifically, the number preceding "TTABVUE" corresponds to the docket entry number, and any number(s) following "TTABVUE" refer to the page number(s) of the docket entry where the cited materials appear. The parties' submissions, including trial briefs, motions, responses, and replies, should utilize citations to the TTABVUE record created throughout the proceeding and during trial to facilitate the Board's review of the evidence throughout the proceeding and at final hearing. *See* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 801.03 (2022).

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

The parties should note that the schedule for the discovery conference, initial disclosures and discovery is also suspended by this order and will be reset in the event that the Board resumes proceedings. TBMP § 401.01.

The motion to dismiss will be decided in due course.