UNITED STATES PATENT AND TRADEMARK OFFICE
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July 17, 2025

Cancellation No. 92082310

Matos Insurance Agency, Inc. and Armando J. Matos

v.

Mattos Insurance, Inc.

Ann Linnehan, Interlocutory Attorney

On June 2, 2025, the Board issued an order wherein in, among other things, it suspended proceedings to allow for the orderly completion of the oral cross-examination of Tracey Ellis. 39 TTABVUE. Such order directed the parties to file a notice of completion of this oral cross-examination within five days of the date of its completion. The order also indicated that proceedings would then be reset by Board order.[1] It appears the parties resumed proceedings without an order from the Board.

Respondent's June 4, 2025 consented motion to extend (42 TTABVUE) was filed in contravention of the Board's suspension order and will receive no consideration.

The Board acknowledges receipt of the June 4, 2025 notice of completion of the oral cross-examination of Tracey Ellis. 43 TTABVUE.

[1] The order also allowed time for Petitioners to file an amended notice of allowance with regard to Exhibit 6. The Board only acknowledges receipt of this amended notice of allowance. 40 and 41 TTABVUE. The Board has not reviewed these two submissions.

Upon notice of the completion of the oral cross-examination of Tracey Ellis, the Board intended to reset dates and provide the parties with a new schedule for this proceeding. See above. However, Respondent filed a notice of reliance on June 4, 2025. 44 TTABVUE. Respondent also filed the declaration testimony of Sam Freitas on the same day. 45 TTABVUE. Petitioner then filed a notice of its intent to take the oral cross-examination of Sam Freitas on the same day. 46 TTABVUE.

Thereafter, on June 11, 2025, Respondent filed the declaration testimony of Sonlange Buldrini. 47 TTABVUE. One June 18, 2025, Petitioner filed notice of its intent to take the oral cross-examination of Solange Buldrini and indicated therein that the oral cross-examination of Sam Freitas was complete. 48 TTABVUE.

Respondent filed the declaration of A. Kamila Silva on July 7, 2025. 49 TTABVUE.

Respondent then filed a consented motion to extend on July 7, 2025 wherein Respondent indicated that Petitioner's 15-day rebuttal period was set to close on July 25, 2025 and needed to be extended until August 24, 2025. 50 TTABVUE. This motion also contained different closing dates for preceding periods compared to Respondent's earlier consented motion to extend. For example, Respondent's June 4, 2025 consented motion to extend indicated that Respondent's 30-day Trial Period ended on July 10, 2025, whereas Respondent's July 7, 2025 consented motion to extend indicated Respondent's 30-day trial period ended on June 10, 2025. In any event, Respondent's July 7, 2025 consented motion to extend will receive no consideration to the extent the parties did not need to filed this motion given the oral cross-examinations at issue. See TBMP § 703.01(e).

On July 8, 2025, Petitioner then filed a notice to take the oral cross-examination of A. Kamila Silva and indicated therein that the oral cross-examination of Solange Buldrini was complete. 51 TTABVUE. Such notice was filed within 20 days from the date of service of the affidavit or declaration, and therefore is timely. *See* Trademark Rule 2.123(c).

Oral cross-examination of an affiant or declarant must be completed within 30 days from the date of service of the notice of election. When such oral cross-examination cannot be completed within the relevant testimony period, the Board shall suspend or reschedule other proceedings to allow for its orderly completion. *See* Trademark Rule 2.123(c).

Inasmuch as it appears to the Board that the elected oral cross-examination cannot be completed within the relevant testimony period, proceedings are **suspended** effective as of the close of the relevant testimony period (in this case Respondent's testimony period), solely to allow for the orderly completion of the elected oral cross-examination.

The parties are directed to file a notice of completion of the elected oral cross-examination of A. Kamila Silva within **five days from the date of its completion**. **Then the parties should wait for the Board to issue an order.** To be clear, the Board will issue an order after it receives notice that the elected oral cross-examination of A. Kamila Silva is complete. This order will resume proceedings beginning with Petitioner's Rebuttal Disclosure Due date. From what the Board can garner, the parties have most likely been operating under some sort of schedule

wherein Respondent's 30-day trial period ended on July 10, 2025. The Board assumes that Petitioner has not served its rebuttal disclosures.

In view of the above, proceedings are suspended.