

To: PTOMail@TechMark.com
Subject: Proceeding No. PDIR-2024-004767 in U.S. Trademark Registration No. 7083243
Sent: May 14, 2024 05:10:40 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

United States Patent and Trademark Office (USPTO)

Petition No. PDIR-2024-004767

U.S. Application Serial No. 97096262

U.S. Registration No. 7083243

Mark: TINY

Owner Name: Tastemade, Inc.

Owner Correspondence Email Address: PTOMail@TechMark.com

Petitioner Name: Tastemade, Inc.

Petitioner Correspondence Email Address: PTOMail@TechMark.com

PETITION TO DIRECTOR DISMISSED

Issue date: May 14, 2024

This letter acknowledges receipt of the petition to the Director of the USPTO filed on behalf of Tastemade, Inc. (petitioner) on March 14, 2024. Petitioner requests reinstatement of the registration and relief from judgement by default entered by the Trademark Trial and Appeal Board (Board) in Cancellation Proceeding No. 92083867. The petition is dismissed.

Petitioner's Motion is Pending with the Board

A review of the record reflects that on March 7, 2024, the Board issued a decision granting default judgment in Cancellation Proceeding No. 92083867. Pursuant to the default judgement, the above-identified registration was cancelled on March 7, 2024. On March 14, 2024, petitioner filed a motion for relief from the default judgment under Fed. R. Civ. P. 60(b) with the Board. That same day, petitioner concurrently filed the instant petition seeking the same relief.

If, in a cancellation proceeding, a petition to the Director is filed concurrently with a Fed. R. Civ. P.

60(b) motion to the Board for relief from judgment, and the petition and motion seek the same relief and require review of the same set of facts, the Board will rule first upon the motion of relief from judgment. *See National Telefilm Associates, Inc. v. Craig Denney Productions*, 228 USPQ 61, 61-62 (Comm'r 1985); *Trademark Trial and Appeal Board Manual of Procedure* (TBMP) §544. Therefore, in light of petitioner's concurrently filed Fed. R. Civ. P. 60(b) motion, the Board will address the motion in due course. If the Board grants the motion, the Director, as a ministerial act, will reinstate the subject registration. TBMP §544.

The petition is dismissed. The petition fee will be refunded in due course. *See* TMEP §405.04.

/Seth Dennis/
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United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Petition to Director No. PDIR-2024-004767

Petition to Director decision issued on **May 14, 2024** for

U.S. Trademark Application Serial No. **97096262**

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