

ESTTA Tracking number: **ESTTA484157**

Filing date: **07/18/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|------------------------|---|
| Proceeding | 94002492 |
| Party | Registrant Pangaea, Inc. |
| Correspondence Address | MARK MURPHEY HENRY HENRY LAW FIRM PO BOX 8850 FAYETTEVILLE, AR 72703 UNITED STATES mark@henrylawfirm.net |
| Submission | Motion to Dismiss 2.132 |
| Filer's Name | Mark Murphey Henry |
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| Date | 07/18/2012 |
| Attachments | MODSMS 7-18-12 Pangaea.pdf (2 pages)(59276 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

FB Triangle LLC)
) Concurrent Use No. 94002492
v.)
)
Pangaea, Inc.)

MOTION TO DISMISS FOR FAILURE TO PROSECUTE

Pangaea, Inc., timely responded to the claims offered by FB Triangle LLC and the notice by the TTAB of the filing of the Concurrent Use Proceeding, and took exception to the concurrent use applicant's claim of exclusive use to all regions other than those limited geographical regions suggested in the application for concurrent use. Nothing further took place, and FB Triangle LLC has not set forth any evidence nor advanced its claims. **All deadlines have now expired** without any effort on the part of the plaintiff to advance even one element of its claims.

Trademark Rule 37 C.F.R. § 2.132(a) provides that a defendant may file a motion for dismissal on the ground of failure to prosecute directed to the sufficiency of a plaintiff's trial evidence when the plaintiff has not taken testimony or offered any other evidence. Such is the case here, and the TTAB record demonstrates this fact.

Wherefore, for good cause and due to the failure of FB Triangle LLC to prosecute this matter, it should therefore be dismissed with prejudice.

Date: July 18, 2012

/s/markmhenry
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CERTIFICATE OF SERVICE

I certify that I sent the foregoing via first class mail, and also by operation of the TTAB's electronic document system, on July 18, 2012.

JAMES R. MENKER
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/s/markmhenry
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