

ESTTA Tracking number: **ESTTA90671**

Filing date: **07/19/2006**

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

Proceeding	91170957
Party	Plaintiff CENTRAL MFG. CO.
Correspondence Address	LEO STOLLER CENTRAL MFG. CO. 7115 W. North Avenue #272 Oak Park, IL 60302 UNITED STATES ldms4@hotmail.com
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Date	07/19/2006
Attachments	hepareponsemsj.pdf ( 3 pages )(10786 bytes )

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

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CENTRAL MFG. CO.,

Opposer,

Opposition No: 91170957

v.

Mark: STEALTH

HEPA CORPORATION,

Application SN: 75-718,440

Applicant.

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**PRELIMINARY RESPONSE TO APPLICANT'S  
MOTION FOR SUMMARY JUDGMENT  
and FOR INSTRUCTIONS**

NOW COMES the Opposer in response to Applicant's Motion for Summary Judgment, and states follows:

The Applicant filed a Motion to Strike Certain Portions of the Notice of Opposition and Motion to Dismiss Under Rule 12 FRCP, and Applicant's Motion For a More Definite Statement on June 19, 2006. The Board normally considers the proceedings suspended once a motion to dismiss has been filed.

Consequently, the Opposer considers the proceeding suspended once the two motions of June 19<sup>th</sup> were filed. Thus, the Opposer should not be required to respond to a motion for summary judgment filed on July 13, 2006.

Furthermore, the filing of Applicant's Motion for Summary Judgment clearly vitiates Applicant's Motion for a More Definite Statement. It appears that

the Applicant 's Motion for a More Definite Statement is frivolous on its face, in that the Applicant's filing of its Motion for Summary Judgment tells the Board that the Applicant does not need a more definite statement of anything.

WHEREFORE, the Opposer prays that the Board grant the Opposer thirty days from the decision on Applicant's Motion to Strike Certain Portions of the Notice of Opposition and Motion to Dismiss Under Rule 12 FRCP, and Applicant's Motion For a More Definite Statement to fully respond to Applicant's Motion for Summary Judgment.

RESPECTFULLY SUBMITTED,

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/Leo Stoller/  
Leo Stoller, President  
CENTRAL MFG. CO., Opposer  
7115 W. North Avenue #272  
Oak Park, Illinois 60302  
(773) 589-0340

Date: July 19, 2006

### **Certificate of On-Line Filing**

I hereby certify that on July 19, 2006 this paper is being filed online in this case with the Trademark Trial and Appeal Board.

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/Leo Stoller/President

### **Certificate of Service**

I hereby certify that on July 19, 2006 a copy of the foregoing was sent by First Class mail with the U.S. Postal Service in an envelope addressed to:

Louis J. Bachand  
Attorney at Law  
P.O. Box 1508  
La Canada, CA 91012-5508

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Leo Stoller, President  
Date: July 19, 2006