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Filing date: **08/01/2019**

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

Proceeding	92066411
Party	Defendant Oneida Indian Nation of New York
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Submission	Response to Board Order/Inquiry
Filer's Name	Linda K. McLeod
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Signature	/Linda K. McLeod/
Date	08/01/2019
Attachments	Registrants Response to July 24 Order.pdf(248079 bytes)

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

ONEIDA NATION, Petitioner, v. ONEIDA INDIAN NATION OF NEW YORK, Registrant.	Cancellation No. 92066411 Mark: ONEIDA INDIAN NATION Registration No.: 2309491 Registered: January 18, 2000 Mark: ONEIDA Registration No.: 4808677 Registered: September 8, 2015 Mark: ONEIDA Registration No.: 4813028 Registered: September 15, 2015
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REGISTRANT'S RESPONSE TO BOARD'S JULY 24, 2019 ORDER

Registrant Oneida Indian Nation of New York ("Registrant") submits this response to the Board's July 24, 2019 Order regarding the status of the Civil Action¹ which occasioned the suspension of this proceeding. (Dkt. 23.) On February 22, 2018, the Board issued an order suspending this proceeding "pending final disposition, including any appeals or remands, of the Civil Action" ("Suspension Order"). (Dkt. 16, p. 2.)

An appeal of the Civil Action is currently pending as Case No. 18-2607 in the United States Court of Appeals for the Second Circuit, and the docket for the Civil Action appeal is attached as Exhibit A. There has thus not been a "final disposition" of the Civil Action as required by the Board's Suspension Order. *See a/so* TBMP § 510.02(b).

¹ *Oneida Indian Nation v. United States Department of the Interior*, Case No. 5:17-cv-00913-MAD-TWD in the United States District Court for the Northern District of New York.

Registrant respectfully requests that the Board continue the suspension of this proceeding pending final disposition of the Civil Action.

Respectfully submitted,

ONEIDA INDIAN NATION OF NEW YORK

Dated: August 1, 2019

By: /Linda K. McLeod/

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing Registrant's Response to Board's July 24, 2019 Order was served by email on this 1st day of August 2019, upon Petitioner at the following email addresses of record:

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/Larry L. White/_____
Larry White
Litigation Case Manager

EXHIBIT A

**General Docket
Court of Appeals, 2nd Circuit**

Court of Appeals Docket #: 18-2607 Nature of Suit: 2899 Other Statutes Oneida Indian Nation v. United States Department of th Appeal From: NDNY (SYRACUSE) Fee Status: Paid	Docketed: 09/04/2018
Case Type Information: 1) Civil 2) United States 3) -	
Originating Court Information: District: 0206-5 : 17-cv-913 Trial Judge: Mae A. D'Agostino, U.S. District Judge Trial Judge: Therese Wiley Dancks, U.S. Magistrate Judge Date Filed: 08/17/2017 Date Order/Judgment: 08/24/2018 <div style="float: right; text-align: right;"> Date NOA Filed: 08/30/2018 </div>	
Prior Cases: None	
Current Cases: None	
Panel Assignment: Not available	

Oneida Indian Nation
Plaintiff - Appellant

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United States Department of the Interior
Defendant - Appellee

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United States Department of Justice

Environmental and Natural Resources Division

601 D Street, NW

Washington, DC 20047

Oneida Indian Nation,

Plaintiff - Appellant,

v.

United States Department of the Interior,

Defendant - Appellee.

09/04/2018	<input type="checkbox"/> 1	NOTICE OF CIVIL APPEAL, with district court docket, on behalf of Appellant Oneida Indian Nation, FILED. [2381273] [18-2607] [Entered: 09/04/2018 01:33 PM]
	10 pg, 83.97 KB	
09/04/2018	<input type="checkbox"/> 2	DISTRICT COURT MEMORANDUM-DECISION AND ORDER, dated 08/24/2018, RECEIVED.[2381276] [18-2607] [Entered: 09/04/2018 01:35 PM]
	18 pg, 75.96 KB	
09/04/2018	<input type="checkbox"/> 3	DISTRICT COURT JUDGMENT, dated 08/24/2018, RECEIVED.[2381277] [18-2607] [Entered: 09/04/2018 01:36 PM]
	1 pg, 32.53 KB	
09/04/2018	<input type="checkbox"/> 4	PAYMENT OF DOCKETING FEE, on behalf of Appellant Oneida Indian Nation, district court receipt # ANYNDC-4495061., FILED.[2381278] [18-2607] [Entered: 09/04/2018 01:36 PM]
09/04/2018	<input type="checkbox"/> 5	ELECTRONIC INDEX, in lieu of record, FILED.[2381281] [18-2607] [Entered: 09/04/2018 01:37 PM]
	8 pg, 89.42 KB	
09/13/2018	<input type="checkbox"/> 8	ACKNOWLEDGMENT AND NOTICE OF APPEARANCE, on behalf of Appellant Oneida Indian Nation, FILED. Service date 09/13/2018 by CM/ECF.[2389025] [18-2607] [Entered: 09/13/2018 04:43 PM]
	1 pg, 219.51 KB	
09/13/2018	<input type="checkbox"/> 9	NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellant Oneida Indian Nation, FILED. Service date 09/13/2018 by CM/ECF. [2389032] [18-2607] [Entered: 09/13/2018 04:45 PM]
	1 pg, 238.98 KB	
09/13/2018	<input type="checkbox"/> 10	FORM C, on behalf of Appellant Oneida Indian Nation, FILED. Service date 09/13/2018 by CM/ECF. [2389042] [18-2607] [Entered: 09/13/2018 04:47 PM]
	36 pg, 9.11 MB	
09/13/2018	<input type="checkbox"/> 11	FORM D, on behalf of Appellant Oneida Indian Nation, FILED. Service date 09/13/2018 by CM/ECF. [2389061] [18-2607] [Entered: 09/13/2018 04:53 PM]
	1 pg, 1.14 MB	
09/14/2018	<input type="checkbox"/> 12	ATTORNEY, David Adam Reiser for Oneida Indian Nation, in case 18-2607, [9] , ADDED.[2389159] [18-2607] [Entered: 09/14/2018 08:47 AM]
09/14/2018	<input type="checkbox"/> 15	LR 31.2 SCHEDULING NOTIFICATION, on behalf of Appellant Oneida Indian Nation, informing Court of proposed due date 12/13/2018, RECEIVED. Service date 09/14/2018 by CM/ECF.[2389443] [18-2607] [Entered: 09/14/2018 11:35 AM]
	1 pg, 93 KB	
09/14/2018	<input type="checkbox"/> 16	CAMP ORDER, Type of Conference: Telephonic, Scheduled Date of Conference: 10/23/2018, Start Time: 10:30 AM, Required Attendees: Clients with Counsel, with Dean W.M. Leslie, ENTERED.[2389658] [18-2607] [Entered: 09/14/2018 01:23 PM]
	1 pg, 18.77 KB	
09/18/2018	<input type="checkbox"/> 19	NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellee United States Department of the Interior, FILED. Service date 09/18/2018 by CM/ECF. [2391824] [18-2607] [Entered: 09/18/2018 03:36 PM]
	1 pg, 63.37 KB	
09/18/2018	<input type="checkbox"/> 20	ACKNOWLEDGMENT AND NOTICE OF APPEARANCE, on behalf of Appellee United States Department of the Interior, FILED. Service date 09/18/2018 by CM/ECF.[2392024] [18-2607] [Entered: 09/18/2018 04:55 PM]
	1 pg, 63.27 KB	
09/19/2018	<input type="checkbox"/> 21	ATTORNEY, Karen Folster Lesperance for United States Department of the Interior, in case 18-2607 , [19] , ADDED.[2392338] [18-2607] [Entered: 09/19/2018 10:29 AM]
09/19/2018	<input type="checkbox"/> 22	NEW CASE MANAGER, Elizabeth Munoz, ASSIGNED.[2392345] [18-2607] [Entered: 09/19/2018 10:32 AM]
	1 pg, 6.65 KB	
09/20/2018	<input type="checkbox"/> 25	SO-ORDERED SCHEDULING NOTIFICATION, setting Appellant Oneida Indian Nation Brief due date as 12/13/2018. Joint Appendix due date as 12/13/2018, FILED.[2393967] [18-2607] [Entered: 09/20/2018 05:18 PM]
	1 pg, 16.61 KB	
10/17/2018	<input type="checkbox"/> 26	NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellee United States Department of the Interior, FILED. Service date 10/17/2018 by CM/ECF. [2412652] [18-2607] [Entered: 10/17/2018 04:00 PM]
	1 pg, 63.28 KB	
10/17/2018	<input type="checkbox"/> 27	ATTORNEY, Reuben Schiffman for United States Department of the Interior, in case 18-2607 , [26] , ADDED.[2412773] [18-2607] [Entered: 10/17/2018 05:22 PM]
12/13/2018	<input type="checkbox"/> 30	BRIEF, on behalf of Appellant Oneida Indian Nation, FILED. Service date 12/13/2018 by CM/ECF. [2455091] [18-2607] [Entered: 12/13/2018 03:52 PM]
12/13/2018	<input type="checkbox"/> 31	JOINT APPENDIX, volume 1 of 1, (pp. 1-244), on behalf of Appellant Oneida Indian Nation, FILED. Service date 12/13/2018 by CM/ECF.[2455097] [18-2607] [Entered: 12/13/2018 03:57 PM]
12/14/2018	<input type="checkbox"/> 32	LR 31.2 SCHEDULING NOTIFICATION, on behalf of Appellee United States Department of the Interior, informing Court of proposed due date 03/13/2019, RECEIVED. Service date 12/14/2018 by CM/ECF. [2455758] [18-2607] [Entered: 12/14/2018 01:50 PM]
	1 pg, 96.14 KB	
12/17/2018	<input type="checkbox"/> 35	SO-ORDERED SCHEDULING NOTIFICATION, setting Appellee United States Department of the Interior Brief due date as 03/13/2019, FILED.[2456491] [18-2607] [Entered: 12/17/2018 11:47 AM]
	1 pg, 16.79 KB	
12/17/2018	<input type="checkbox"/> 36	NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellant Oneida Indian Nation,

	1 pg, 41 KB	FILED. Service date 12/17/2018 by CM/ECF. [2457013] [18-2607] [Entered: 12/17/2018 04:56 PM]
12/18/2018	<input type="checkbox"/> 37 2 pg, 11.82 KB	DEFECTIVE DOCUMENT, Brief and Appendix, [30], [31], on behalf of Appellant Oneida Indian Nation, FILED.[2457229] [18-2607] [Entered: 12/18/2018 09:16 AM]
12/18/2018	<input type="checkbox"/> 38	CORRECTED BRIEF, on behalf of Appellant Oneida Indian Nation, FILED. Service date 12/13/2018 by CM/ECF. [2457352] [18-2607] [Entered: 12/18/2018 10:07 AM]
12/18/2018	<input type="checkbox"/> 39	CORRECTED APPENDIX, on behalf of Appellant Oneida Indian Nation, FILED. Service date 12/13/2018 by CM/ECF. [2457364] [18-2607] [Entered: 12/18/2018 10:12 AM]
12/20/2018	<input type="checkbox"/> 40	ATTORNEY, Thomas L. Sansonetti for Oneida Indian Nation, in case 18-2607, [36] , ADDED.[2460261] [18-2607] [Entered: 12/20/2018 02:33 PM]
12/20/2018	<input type="checkbox"/> 41 2 pg, 11.8 KB	DEFECTIVE DOCUMENT, Corrected Brief and Appendix, [38], [39], on behalf of Appellant Oneida Indian Nation, FILED.[2460265] [18-2607] [Entered: 12/20/2018 02:34 PM]
12/20/2018	<input type="checkbox"/> 42 73 pg, 324.77 KB	BRIEF, on behalf of Appellant Oneida Indian Nation, FILED. Service date 12/13/2018 by CM/ECF. [2460306] [18-2607] [Entered: 12/20/2018 02:57 PM]
12/20/2018	<input type="checkbox"/> 43 249 pg, 13.46 MB	JOINT APPENDIX, volume 1 of 1, (pp. 1-245), on behalf of Appellant Oneida Indian Nation, FILED. Service date 12/13/2018 by CM/ECF.[2460313] [18-2607] [Entered: 12/20/2018 03:00 PM]
12/20/2018	<input type="checkbox"/> 44	CURED DEFECTIVE: BRIEF, and JOINT APPENDIX, [41] , [42] , [43] , on behalf of Appellee United States Department of the Interior, FILED.[2460727] [18-2607] [Entered: 12/20/2018 05:39 PM]
02/22/2019	<input type="checkbox"/> 51 1 pg, 16.9 KB	AMENDED SO-ORDERED SCHEDULING NOTIFICATION, setting Appellee United States Department of the Interior Brief due date as 04/22/2019, FILED.[2503820] [18-2607] [Entered: 02/22/2019 06:06 PM]
04/22/2019	<input type="checkbox"/> 52	BRIEF, on behalf of Appellee United States Department of the Interior, FILED. Service date 04/22/2019 by CM/ECF. [2545264] [18-2607] [Entered: 04/22/2019 04:12 PM]
04/22/2019	<input type="checkbox"/> 53 2 pg, 11.7 KB	DEFECTIVE DOCUMENT, Brief, [52], on behalf of Appellee United States Department of the Interior, FILED.[2545420] [18-2607] [Entered: 04/22/2019 05:24 PM]
04/23/2019	<input type="checkbox"/> 54	CORRECTED BRIEF, on behalf of Appellee United States Department of the Interior, FILED. Service date 04/22/2019 by CM/ECF. [2545787] [18-2607] [Entered: 04/23/2019 11:03 AM]
04/24/2019	<input type="checkbox"/> 55 2 pg, 11.7 KB	DEFECTIVE DOCUMENT, Brief, [54], on behalf of Appellee United States Department of the Interior, FILED.[2547278] [18-2607] [Entered: 04/24/2019 12:36 PM]
04/24/2019	<input type="checkbox"/> 56	BRIEF, on behalf of Appellee United States Department of the Interior, FILED. Service date 04/22/2019 by CM/ECF. [2547348] [18-2607] [Entered: 04/24/2019 01:38 PM]
04/24/2019	<input type="checkbox"/> 57	CURED DEFECTIVE: BRIEF, [56], on behalf of Appellee United States Department of the Interior, FILED. [2547767] [18-2607] [Entered: 04/24/2019 05:10 PM]
04/26/2019	<input type="checkbox"/> 58 2 pg, 11.83 KB	DEFECTIVE DOCUMENT, Brief, [56], on behalf of Appellee United States Department of the Interior, FILED.[2549438] [18-2607] [Entered: 04/26/2019 01:50 PM]
04/26/2019	<input type="checkbox"/> 60 1 pg, 125.67 KB	ORAL ARGUMENT STATEMENT LR 34.1 (a), on behalf of filer Attorney Michael R. Smith for Appellant Oneida Indian Nation, FILED. Service date 04/26/2019 by CM/ECF. [2549480] [18-2607] [Entered: 04/26/2019 02:25 PM]
04/26/2019	<input type="checkbox"/> 62	BRIEF, on behalf of Appellee United States Department of the Interior, FILED. Service date 04/26/2019 by CM/ECF. [2549818] [18-2607] [Entered: 04/26/2019 04:49 PM]
05/01/2019	<input type="checkbox"/> 63 2 pg, 17.44 KB	DEFECTIVE DOCUMENT, BRIEF, [62], on behalf of Appellee United States Department of the Interior, FILED.[2552774] [18-2607] [Entered: 05/01/2019 12:11 PM]
05/02/2019	<input type="checkbox"/> 64 45 pg, 329.51 KB	BRIEF, on behalf of Appellee United States Department of the Interior, FILED. Service date 05/02/2019 by CM/ECF. [2554343] [18-2607] [Entered: 05/02/2019 04:09 PM]
05/03/2019	<input type="checkbox"/> 65	CURED DEFECTIVE : BRIEF, [64] , on behalf of Appellee United States Department of the Interior, FILED. [2554622] [18-2607] [Entered: 05/03/2019 08:04 AM]
05/03/2019	<input type="checkbox"/> 70 1 pg, 79.71 KB	ORAL ARGUMENT STATEMENT LR 34.1 (a), on behalf of filer Attorney Reuben Schiffman, Esq. for Appellee United States Department of the Interior, FILED. Service date 05/03/2019 by CM/ECF. [2555510] [18-2607] [Entered: 05/03/2019 03:17 PM]
05/06/2019	<input type="checkbox"/> 73 29 pg, 380.7 KB	REPLY BRIEF, on behalf of Appellant Oneida Indian Nation, FILED. Service date 05/06/2019 by CM/ECF. [2557002] [18-2607] [Entered: 05/06/2019 05:47 PM]
06/17/2019	<input type="checkbox"/> 75	CASE CALENDARING, for the week of 09/23/2019, PANEL B, PROPOSED.[2588257] [18-2607] [Entered: 06/17/2019 02:44 PM]

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