

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

MICHAEL J. CUTINO,
Appellant,

v.

NIGHTLIFE MEDIA, INC.,
Appellee.

2013-1541

Appeal from the United States Patent and Trademark
Office, Trademark Trial and Appeal Board in Opposition
No. 91186025.

ON MOTION

ORDER

Nightlife Media, Inc. moves to strike portions of Michael Cutino's August 26, 2013 submission. Nightlife Media also moves for leave to file a corrected brief and for an extension of time to file a corrected brief. Cutino moves for "a 45 day extension on [his] Court date."

This court has not yet assigned any date to the hearing of this matter. Accordingly, it is unclear as to what court date Cutino is referring.

On August 26, 2013, Cutino submitted his informal brief to this court along with a cover page and numerous exhibits. That submission contained documents that were not part of the record before the Trademark Trial and Appeal Board (“Board”) and must be stricken. Additionally, in his informal brief Cutino makes reference to his registered mark NIGHTLIFE, registration number 1,908,411. However, the Board found that Cutino’s registration for that mark was not of record.

Accordingly,

IT IS ORDERED THAT:

- 1) Cutino’s motion for an extension of a court date is denied as unnecessary.
- 2) Nightlife Media’s motion to strike is deferred to the merits panel assigned to hear this case. Copies of this order and the motion shall be transmitted to the panel.
- 3) Nightlife Media’s motions for an extension of time and for leave to file a corrected brief are granted.

FOR THE COURT

/s/ Daniel E. O’Toole
Daniel E. O’Toole
Clerk of Court