

# BULKY DOCUMENT

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Proceeding No.	86416038
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Filing Date	07/06/2015
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Part	1 of	1
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<b>86416038</b>
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Serial No. 86416038  
Date of Publication: March 3, 2015  
For the marks: G17 and G18

KENT WU AND THE WUSTER,

Opposer,

v.

GLOCK, INC.,

Applicant.

Application Serial No. 86416038

**REQUEST FOR SUSPENSION**

The application of Glock, Inc. for trademarks G17 and G18 should be suspended because there is an underlying trademark and patent infringement lawsuit against opposer The Wuster currently pending in the Northern District of Georgia (Case No. 2:14-cv-00568-AT, the “underlying lawsuit”) which, as Glock itself has acknowledged, covers issues “including but not limited to, the G17 trademark.” (Applicant’s March 16, 2015 Request for Reconsideration).

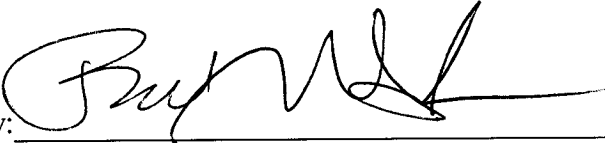
The complaint in the underlying lawsuit, attached hereto with selected relevant exhibits as **Attachment A**, specifically alleges that The Wuster’s G17 gun is an unauthorized and unlicensed use of Glock’s trade mark and dress and includes exhibits regarding the allegedly infringing G17 model. (See Attachment A, complaint paragraphs 52, 78 and Exhibits A (partial), F-I, H-2). The complaint also alleges violations of Glock’s trade dress in relation to the G18 model. (See Attachment A, complaint paragraph 54 and Exhibits A (partial), F-3).

Attachment A shows that there is an ongoing court proceeding which likely will affect the registrability of G17 and G18. Thus, *prima facie* good cause exists to suspend Glock's application pending resolution of the underlying lawsuit. (See 37 C.F.R. § 2.67 ("The fact that a proceeding is pending before . . . a court which is relevant to the issue of registrability of the applicant's mark[] . . . will be considered prima facie good and sufficient cause[]" to suspend the action); see generally 37 C.F.R. §2.117(a) ("Whenever it shall come to the attention of the Trademark Trial and Appeal Board that a party or parties to a pending case are engaged in a civil action or another Board proceeding which may have a bearing on the case, proceedings before the Board may be suspended until termination of the civil action or the other Board proceeding.")).

We note that another separate but related proceeding, Glock's Petition for Cancellation of the *G19* mark (No. 92061240, filed April 9, 2015), was suspended pending further review and briefing by the parties by Interlocutory Attorney Elizabeth Dunn on June 26, 2015, after the undersigned raised similar concerns about overlapping factual issues between the underlying lawsuit and the cancellation petition in relation to the G19 mark. Moreover, although settlement discussions may not have occurred yet regarding the issues pending before the Trademark Trial and Appeal Board, The Wuster has indeed engaged in settlement discussions with Glock regarding the *underlying lawsuit*. Although the overlapping facts between the underlying lawsuit and Glock's application would be sufficient grounds to grant The Wuster's request for extension of time, by this motion The Wuster instead seeks to suspend the application entirely.

For the foregoing reasons, The Wuster respectfully requests Glock's application regarding G17 and G18 be suspended until the issues in the underlying lawsuit regarding G17 and G18 are resolved.

Dated this 6 day of July, 2015.

By: 

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