

ESTTA Tracking number: **ESTTA810273**

Filing date: **03/29/2017**

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

| | |
|------------------------|---|
| Proceeding | 86743092 |
| Applicant | TekSavvy Solutions Inc. |
| Applied for Mark | TEKSAVVY |
| Correspondence Address | BEN D TOBOR GREENBERG TRAURIG LLP 1000 LOUISIANA ST , STE 1700 HOUSTON, TX 77002-5001 UNITED STATES toborb@gtlaw.com, gtipmail@gtlaw.com |
| Submission | Applicant's Motion to Suspend |
| Attachments | TEKSAVVY-010200-Motion to Suspend Appeal.pdf(76523 bytes) Teksystems Inc v Teksavvy Solutions Inc.pdf(1608350 bytes) |
| Filer's Name | BEN D. TOBOR |
| Filer's e-mail | toborb@gtlaw.com, gtipmail@gtlaw.com |
| Signature | /bendtobor/ |
| Date | 03/29/2017 |

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

| | |
|-----------------------------------|---|
| IN RE: TekSavvy Solutions Inc. | § |
| SERIAL NO.: 86/743,092 | § |
| FILED: 08/31/2015 | § |
| MARK: TEKSAVVY | § |
| ATTORNEY DOCKET NO. 160598.010200 | § |

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

MOTION TO SUSPEND APPEAL

Applicant, TekSavvy Solutions Inc. ("TekSavvy"), respectfully moves that the appeal of the refusal to register the above-captioned mark, be suspended pursuant to TBMP § 1213(1) (2014).

Good cause for this Motion is found in the attached pleadings that that may be dispositive of the issues involved in the present appeal. Attached are a copy of the complaint and exhibits filed in the United States District Court, for the District of Maryland, Baltimore Division, Civil Action No. 1:16-cv-04125-ELH, TEKSYSTEMS, INC. v. TEKSAVVY SOLUTIONS, INC., filed December 29, 2016 ("Maryland Case").

The registration that is the basis of the refusal to register in the above-captioned application is U.S. Registration No. 4,389,639, for the mark TEKSAVVY and is owned by the

plaintiff in the attached complaint, TEKsystems, Inc. ("TSI"). In the complaint, TSI seeks a declaratory judgment of validity of its registration for TEKSAVVY over the rights of TekSavvy in its TEKSAVVY mark. TSI further claims that the present applicant, TekSavvy, is infringing upon the rights of TSI.

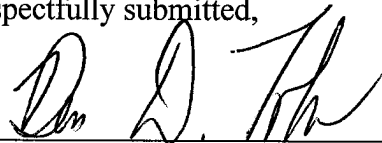
As set forth in the complaint, including Exhibits A and B thereto, counsel for Applicant was requesting a Consent to Registration from TSI based upon Applicant's prior use of the mark TEKSAVVY for a blog of Applicant in the United States prior to the date of first use of the mark of the TSI registration. The above-captioned application of this appeal is referenced in paragraph 12 and Exhibit A of the complaint. In paragraph 18 of the complaint, counsel for TSI alleged that "TekSavvy would file a Petition to Cancel TEKsystems' TEKSAVVY Registration in the Trademark Trial and Appeal Board unless TEKsystems consents to TekSavvy's registration of TEKSAVVY in the USPTO."

The Maryland Case is in its early stages, and no discovery has been taken yet.

Applicant submits that the Maryland Case may be dispositive of the issues involved in the present appeal, in that Applicant's rights in its TEKSAVVY mark over the mark of the registration of TSI are at issue in the Maryland Case and may be decided therein, or agreed upon by TekSavvy and TSI in a settlement of the Maryland Case.

In view of the foregoing information and the Maryland Case, Applicant respectfully requests that this motion be granted and that the appeal be suspended pending final determination of the Maryland Case.

Respectfully submitted,



Ben D. Tobor

Greenberg Traurig LLP

1000 Louisiana, Suite 1800
Houston, Texas 77002
Phone: 713-374-3568
Fax: 713-754-7568
ATTORNEYS FOR APPLICANT,
TekSavvy Solutions Inc.

Document Selection Menu

Select the document you wish to view.

Document Number: [1](#) 6 pages 242 kb

| Attachment | Description | | |
|-------------------|-------------------|---------|--------|
| 1 | Exhibit A | 3 pages | 75 kb |
| 2 | Exhibit b | 3 pages | 111 kb |
| 3 | Civil Cover Sheet | 1 page | 128 kb |
| 4 | Summons | 2 pages | 28 kb |

or

15 pages

0.6 mb

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.