

ESTTA Tracking number: **ESTTA502462**

Filing date: **10/26/2012**

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

Proceeding	91202005
Party	Plaintiff Epicuren Discovery, LLC.
Correspondence Address	THOMAS CONNORS CONNORS ASSOCIATES INC 13421 DANBURY LANE, UNIT 135i SEAL BEACH, CA 90740 UNITED STATES thomas@connorspatentlaw.com
Submission	Motion to Suspend for Civil Action
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Date	10/26/2012
Attachments	Opposer's Motion to Suspend Pending Civil Litgation.pdf (22 pages)(1243680 bytes)

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

Epicuren Discovery, LLC, a Alaska Limited
Liability Company,

Opposer,

vs.

Linda L. Ross, a Individual,

Applicant.

Opposition No. 91202005
Mark: EPICORE BY LINDA ROSS
Serial No.: 85/172,999
Publication Date: June 14, 2011

OPPOSER'S MOTION TO SUSPEND PROCEEDINGS
IN VIEW OF CIVIL LITIGATION

Pursuant to Section 2.117(a) of the Rules of Practice and Trademark Cases, Chapter 37 Code of Federal Regulations, Opposer, Epicuren Discovery, LLC respectfully moves to suspend this opposition proceeding pending civil litigation between the parties. On October 24, 2012, Opposer filed in the U.S. District Court for the Central District of California a summons and complaint in Epicuren Discovery, LLC v. Linda L. Ross et al., Civil Action No. SACV12-1856-JVS (RNBx). *See* Exhibit 1. This civil case involves the mark "EPICORE BY LINDA ROSS", trademark application serial no. 85/172,999 for "EPICORE BY LINDA ROSS", and related issues involving the "EPICORE BY LINDA ROSS" mark, namely:

- (1) Registered Trademark Infringement Under Section 32 of the Lanham Act, 15 U.S.C.A. §1114;
- (2) False Designation of Origin Under Section 43(a) of the Lanham Act, 15 U.S.C.A. §1125(a);
- (3) Unfair Competition Under Section 43(a) of the Lanham Act, 15 U.S.C.A. §1125(a);

- (4) Federal Trademark Dilution Under Section 43(a) of the Lanham Act, 15 U.S.C.A. §1125(c);
- (5) Common Law Unfair Competition and Trademark Infringement;
- (6) Tortious Misappropriation of Goodwill;
- (7) Common Law Trademark Dilution; and
- (8) Unjust Enrichment

Further, the civil case requests demands for relief including:

- (1) A preliminary and permanent injunction barring any use of the designation “Epicore” or any other name or mark confusingly similar to “Epicuren”;
- (2) An injunction pursuant to 15 U.S.C.A. §1118, to deliver for destruction all literature, signs, prints, packages, advertising materials, stationery, and any other item bearing the designation “Epicore”;
- (3) An order to file with the Court a report setting forth compliance with the injunction;
- (4) An order directing the cancellation of the application for registration of the mark, “EPICORE BY LINDA ROSS”, Serial No. 85/172,999 and any similar application or registration;
- (5) An award of the recovery of Defendant’s profits to Epicuren Discovery, LLC, including profits under 15 U.S.C.A. §1117(a);
- (6) An award of damages, including treble damages, costs, and attorney’s fees to Epicuren Discovery, LLC, on its claims in an amount to be determined at trial, including but not limited to damages pursuant to 15 U.S.C.A. §1117(a);
- (7) A declaration this case is exceptional and to award Epicuren Discover, LLC its reasonable attorney’s fees and the costs of this action under 15 U.S.C.A. §1117(a);
- (8) An award of damages under California law; and
- (9) Such further relief the Court may deem just and proper under the circumstances.

Wherefore, Opposer requests this opposition proceeding be suspended until termination of the above referenced civil action.

Dated: October 26, 2012

Respectfully submitted,

By: /Thomas Connors/
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the forgoing Opposer's Motion To Suspend Proceedings In View Of Civil Litigation is being filed electronically with the TTAB via ESTTA on October 26, 2012.

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Attorney for Opposer

CERTIFICATE OF SERVICE

I Thomas Connors, Esq herby certify that on October 26, 2012 I caused a true copy of the forgoing Opposer's Motion To Suspend Proceedings In View Of Civil Litigation to be served electronically, as agreed upon July 11, 2012, to Counsel for the Applicant at the following address:

ipclinic@law.unh.edu

A courtesy copy was also provided electronically to:
Ashlyn.Lembree@law.unh.edu

Dated October 26, 2012

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