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Filing date: **08/29/2013**

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

Proceeding	91208653
Party	Plaintiff DM Luxury, LLC
Correspondence Address	ROBERT B BURLINGAME PILLSBURY WINTHROP SHAW PITTMAN LLP PO BOX 2824 SAN FRANCISCO, CA 94126-2824 UNITED STATES sftrademarks@pillsburylaw.com, rburlingame@pillsburylaw.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Robert B. Burlingame
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Signature	/Robert B. Burlingame/
Date	08/29/2013
Attachments	8-29-13 Motion to Suspend.pdf(3669714 bytes)

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

DM Luxury, LLC,)	
)	
Opposer,)	Opposition No. 91208653
vs.)	
)	Mark: THAT'S MODERN LUXURY
Celebrity Cruises Inc.,)	Ser. No.: 85421117
)	
Applicant.)	
)	

MOTION TO SUSPEND PENDING FINAL DISPOSITION OF CIVIL ACTION

Pursuant to 37 C.F.R. § 2.117(a) and T.B.M.P. Section 510.02(a), DM Luxury, LLC (“Opposer”) hereby requests that the Trademark Trial and Appeal Board (“Board”) suspend the above-identified Opposition proceeding pending the final disposition of the parties’ related civil action in the United States District Court for the Northern District of Illinois.

On August 29, 2013, Opposer filed a civil lawsuit against Applicant in the United States District Court for the Northern District of Illinois (see attached copy of the Civil Cover Sheet and the Complaint). The civil action has been assigned Case No. 1:13-cv-06177 and involves issues in common with those before the Board in this Opposition proceeding. The decision in the civil action will likely be dispositive of this Opposition proceeding and binding upon the Board.

Per 37 C.F.R. § 2.117(a), it is the policy of the Board to suspend proceedings when the parties are involved in a civil action which may be dispositive of or have a bearing on the Board case. Opposer therefore respectfully requests:

- 1) that the Board suspend this Opposition proceeding (retroactive to the date of this Motion) pending final disposition of the civil action between the parties; and

2) in the event this Motion is granted and this Opposition proceeding is later resumed following the final disposition of the civil action between the parties, that the Board provide the parties with an additional 30 days to complete discovery if and when the Opposition proceeding is resumed.

Thank you.

Date: August 29, 2013

Respectfully submitted,

DM Luxury, LLC

By: 

Robert B. Burlingame

PILLSBURY WINTHROP SHAW PITTMAN LLP

Four Embarcadero Center, 22nd Floor

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PROOF OF SERVICE BY EMAIL

I, Robert B. Burlingame, the undersigned, hereby certify and declare under penalty of perjury that the following statements are true and correct:

1. I am over the age of 18 years and am not a party to the within cause. I am employed by Pillsbury Winthrop Shaw Pittman LLP in San Francisco, CA.
2. My business address is Four Embarcadero Center, 22nd Floor, San Francisco, CA 94111. My mailing address is P.O. Box 2824, San Francisco, CA 94126-2824. My email address is rburlingame@pillsburylaw.com.
3. On August 29, 2013, I served a true copy of the attached "MOTION TO SUSPEND PENDING FINAL DISPOSITION OF CIVIL ACTION" upon Applicant's attorney Ronald E. Shapiro by email (as previously agreed) to rshapiro@sasiplaw.com.

Executed this 29th day of August, 2013, at San Ramon, California.


Robert B. Burlingame

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS: DM LUXURY, LLC; (b) County of Residence of First Listed Plaintiff: Cook County; (c) Attorneys: (see attachment); DEFENDANTS: CELEBRITY CRUISES, INC.; County of Residence of First Listed Defendant: Miami-Dade County; NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only); III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant); Table with columns for Plaintiff and Defendant citizenship and incorporation status.

IV. NATURE OF SUIT (Place an "X" in One Box Only); Grid with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only); 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation.

VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.); VII. Previous Bankruptcy Matters (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.; DEMAND \$; CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

IX. RELATED CASE(S) IF ANY (See instructions): JUDGE; DOCKET NUMBER

X. This case (check one box) Is not a refiling of a previously dismissed action is a refiling of case number previously dismissed by Judge

DATE 8/29/13 SIGNATURE OF ATTORNEY OF RECORD /s/ A. John P. Mancini



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