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Filing date: **10/28/2015**

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

Proceeding	91223901
Party	Defendant Eisold, Wesley
Correspondence Address	LOUIS SMOLLER, ESQ. SAVUR THREADGOLD LLP 225 BROADWAY STE 2420 NEW YORK, NY 10007-3711  ls@savurlaw.com;at@savurlaw.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Louis smoller
Filer's e-mail	LS@savurlaw.com
Signature	/louis smoller/
Date	10/28/2015
Attachments	CossarVEisold - TTAB motion for suspension 2015-10-28-.pdf(5707015 bytes )

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

TIMOTHY COSSAR,  
On behalf of himself individually  
and on behalf of the American  
Nightmare Partnership,

Opposer,

v.

WESLEY EISOLD,

Applicant.

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Opposition No. 91223901

Application Serial No. 86430356

Published: May 26, 2015

APPLICANT WESLEY EISOLD'S MOTION FOR SUSPENSION

Pursuant to Rule 2.117 of the Trademark Rules of Practice and Section 510.02(a) of the Trademark Trial and Appeal Board Manual, Applicant hereby moves that the above referenced proceeding be suspended pending the outcome of Civil Action No. BC595859 *Timothy Cossar v. American Nightmare and Wesley Eisold* (the "Civil Action") filed in the Superior Court of California County of Los Angeles – Central District. A copy of the complaint is attached.

The pending Civil Action involves issues in common with the opposition proceeding pending herein and resolution of the Civil Action will have a bearing on this immediate matter. Applicant respectfully requests an immediate suspension of the remaining trial schedule and a stay of all proceedings until the Civil Action is disposed of.

Respectfully submitted,

By: /s/ Louis Smoller

Louis Smoller, Esq.  
Savur Threadgold LLP  
225 Broadway, Suite #2420  
New York, NY 10007  
Attorney for Applicant

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Motion For Suspension was served on counsel of Opposer:

Paul Karl Lukacs, Esq.  
Law Office of Paul Karl Lukacs  
264 South Doheny Drive, Suite 9  
Beverly Hills, CA 90211

By email at [pk1@lukacs-law.com](mailto:pk1@lukacs-law.com) and by mail, postage prepaid, this 28th day of October 2015

By: /s/ Louis Smoller  
Louis Smoller, Esq.  
Savur Threadgold LLP  
225 Broadway, Suite #2420  
New York, NY 10007  
Attorney for Applicant

**SUMMONS  
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

AMERICAN NIGHTMARE, a California general partnership;  
WESLEY EISOLD; and DOES 1 to 20, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**  
TIMOTHY COSSAR

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**CONFORMED COPY  
ORIGINAL FILED**  
Superior Court of California  
County of Los Angeles

SEP 25 2015

Sherri R. Carter, Executive Officer/Clerk  
By: Judi Lara, Deputy

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es):  
Los Angeles Superior Court, 111 N. Hill Street, Los Angeles, CA 90012

CASE NUMBER:  
(Número del Caso): **BC 595859**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Paul Karl Lukacs, Esq., 264 South Doheny Drive, Suite 9, Beverly Hills, CA 90211; tel: +1-310-929-7836

DATE: September 23, 2015  
(Fecha) **SHERRI R. CARTER** Clerk, by **Judi Lara**, Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED:** You are served

1.  as an individual defendant.

2.  as the person sued under the fictitious name of (specify):

3.  on behalf of (specify): **AMERICAN NIGHTMARE, a California general Partnership.**

under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)

[SEAL]

SEP 25 2015

1 **PAUL KARL LUKACS (BAR NO. 197007)**  
2 **LAW OFFICES OF PAUL KARL LUKACS**  
3 264 South Doheny Drive, Suite 9  
4 Beverly Hills, CA 90211  
5 Tel.: (310) 929-7836  
6 pkl@lukacs-law.com

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Superior Court of California  
County of Los Angeles

SEP 25 2015

Sherri R. Carter, Executive Officer/Clerk  
By: Judi Lara, Deputy

Attorneys for Plaintiff  
TIMOTHY COSSAR

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES — CENTRAL DISTRICT  
10 UNLIMITED JURISDICTION

Law Offices of Paul Karl Lukacs  
264 South Doheny Drive, Suite 9  
Beverly Hills, California 90211  
(310) 929-7836

13 TIMOTHY COSSAR, )  
14 )  
15 Plaintiff, )  
16 v. )  
17 AMERICAN NIGHTMARE, )  
18 a California general partnership; )  
19 WESLEY EISOLD; )  
20 and DOES 1 to 20, inclusive, )  
21 Defendants. )

Case No.

BC 5 9 5 8 5 9

**COMPLAINT FOR:**

1. PARTNERSHIP BUYOUT
2. ACCOUNTING
3. PARTNERSHIP DISSOLUTION
4. BREACH OF FIDUCIARY DUTY
5. BREACH OF PARTNERSHIP AGREEMENT
6. DECLARATORY RELIEF

**DEMAND FOR JURY TRIAL**

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