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

Proceeding	91225695
Party	Plaintiff Wageworks, Inc.
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Submission	Motion to Suspend for Civil Action
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Signature	/Christina J. Moser/
Date	12/11/2018
Attachments	Motion to Suspend.pdf(103053 bytes ) DI 001 - 2018-12-11-WAGWORKS-Complaint.pdf(3027330 bytes )

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

WAGeworks, INC.

Opposer,

v.

ONTIMEWORKS LLC

Applicant.

Opposition No. 91225695

Mark: EVERYTHING BENEFITS

Application No. 86/568,216

**PLAINTIFF'S MOTION TO SUSPEND FOR CIVIL ACTION**

Pursuant to Trademark Trial and Appeal Board Manual of Procedure ("TBMP") 510.02(a) and 37 C.F.R. § 2.117(a), Opposer, WageWorks, Inc., hereby moves to suspend these proceedings.

**A. The Civil Action Will Address More Completely the Issues in Dispute**

On December 11, 2018, Opposer WageWorks, Inc. filed a civil action against Applicant OnTimeWorks LLC in the District of New Jersey to seek redress for trademark infringement and related unfair competition under the Lanham Act and New Jersey law. A true and correct copy of the filed Complaint and Exhibits thereto is attached as Exhibit "A." WageWorks, Inc. is in the process of serving OnTimeWorks LLC with a summons. 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. *See* 37 C.F.R. § 2.117(a).

Even if WageWorks, Inc. succeeds in the present proceeding, the Board will not be able to afford all the relief WageWorks, Inc. seeks against OnTimeWorks LLC. Because the civil action will address more completely all of the issues in contention between the parties, including

the issues underlying this proceeding, WageWorks, Inc. respectfully requests that the Board suspend this proceeding pending resolution of the district court action pursuant to TBMP 510.02(a) and 37 C.F.R. § 2.117(a).

Dated: December 11, 2018

Respectfully submitted,

/Christina J. Moser/  
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Attorneys for Opposer

**CERTIFICATE OF SERVICE**

I, Christina J. Moser, do hereby certify that a copy of the Plaintiff's Motion to Suspend for Civil Action is being served on Darren S. Cahr, Esq. and Mita K. Lakhia, Esq., Attorneys for Applicant, OnTimeWorks LLC, at Drinker, Biddle & Reath, 191 N. Wacker Dr., Ste. 3700, Chicago, IL 60606-1698, via email address: [Mita.Lakhia@dbr.com](mailto:Mita.Lakhia@dbr.com) and [Darren.Cahr@dbr.com](mailto:Darren.Cahr@dbr.com), this 11<sup>th</sup> day of December, 2018 and via the TTAB's electronic filing system.

/Christina J. Moser/

\_\_\_\_\_  
Deborah A. Wilcox

Christina J. Moser

One of the Attorneys for Opposer

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

WageWorks, Inc., a Delaware corporation,  
  
Plaintiff,

v.

OnTimeWorks LLC

Defendant.

CASE NO.: \_\_\_\_\_

**COMPLAINT FOR TRADEMARK  
INFRINGEMENT UNDER THE  
LANHAM ACT AND NEW JERSEY  
STATUTE AND UNFAIR COMPETITION  
UNDER COMMON LAW**

NOW COMES Plaintiff WageWorks, Inc. (“WageWorks”), by and for its Complaint against Defendant OnTimeWorks LLC (“OnTimeWorks”), and hereby states as follows:

**Parties**

1. WageWorks is a Delaware corporation with its principal place of business at 1100 Park Place, 4th Floor, San Mateo, California 94403.
2. OnTimeWorks is a New Jersey limited liability company with its principal place of business at 1253 Springfield Avenue, Suite 350, New Providence, NJ 07974.

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