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

Proceeding	91230218
Party	Plaintiff GoPro, Inc.
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Submission	Motion to Suspend for Civil Action
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Signature	/rvz/
Date	02/22/2019
Attachments	Motion to Suspend.pdf(1081709 bytes)

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

In re Application for: PRO-MOUNTS (& design)
Applicant Name: Allied Sunny Ltd.
Serial No.: 86/832,346
Filing Date: November 25, 2015
Date of Publication: June 21, 2016

GoPro, Inc.,

Opposer,

v.

Allied Sunny, Ltd.,

Applicant.

Opposition No. 91230218

**OPPOSER GOPRO INC.'S MOTION TO
SUSPEND PROCEEDINGS PURSUANT TO
TBMP SECTION 510.02**

Pursuant to Section 510.02 of the Trademark Board Manual of Procedure ("TBMP"), Opposer GoPro, Inc. ("GoPro") hereby requests that these proceedings be suspended by the Board pending the outcome of Case No. 3-19-cv-01004 filed by GoPro against Applicant Allied Sunny, Ltd. ("Applicant") in the United States District Court for the Northern District of California. A copy of the complaint in the referenced case is attached hereto as Exhibit A.

Section 510.02(a) of the TBMP states: "Whenever it comes to the attention of the Board that a party or parties to a case pending before it are involved in a civil action which may have a bearing on the Board case, proceedings before the Board may be suspended until final determination of the civil action." See also Trademark Rule 2.117(a), 37 C.F.R. § 2.117(a).

GoPro opposed Application Serial No. 86/832,346 on the basis that Applicant's PRO-MOUNTS Mark is likely to be confused with Opposer's GOPRO Marks under Section 2(d) of the Lanham Act. As indicated in the attached complaint, GoPro's federal action for trademark infringement alleges that, among other things, Applicant's use and registration of the PRO-MOUNTS Mark constitutes trademark infringement in violation of Section 2(d) of the Lanham

Act. GoPro's federal court complaint seeks to permanently enjoin Applicant's use of the PRO-MOUNTS Mark in the United States. Accordingly, both actions directly involve the issue of likelihood of confusion concerning the PRO-MOUNTS Mark and the GOPRO Marks.

In light of the foregoing, GoPro respectfully requests that the opposition proceeding be suspended pending the outcome of the federal action, Case No. 3-19-cv-01004, pending in the Northern District of California.

Date: February 22, 2019

Respectfully submitted,

GOPRO, INC.

By /s/ Raffi V. Zerounian

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CERTIFICATE OF SERVICE

I, Laura Prongos, hereby certify that a true and complete copy of the foregoing **OPPOSER GOPRO INC.'S MOTION TO SUSPEND PROCEEDINGS PURSUANT TO TBMP SECTION 510.02** was served on the parties listed below on February 22, 2019 via email to:

Applicant's Attorney/Applicant of Record:

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Dated: February 22, 2019

/s/ Laura Prongos

Laura Prongos

EXHIBIT A

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