

ESTTA Tracking number: **ESTTA794886**

Filing date: **01/13/2017**

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

Proceeding	91231047
Party	Plaintiff American Training Center Inc.
Correspondence Address	RALPH N GABOURY COX PADMORE SKOLNIK & SHAKARCHY LLP 630 THIRD AVENUE, 19TH FLOOR NEW YORK, NY 10017 UNITED STATES gaboury@cpsslaw.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Ralph N. Gaboury, Esq.
Filer's e-mail	gaboury@cpsslaw.com
Signature	/Ralph Gaboury/
Date	01/13/2017
Attachments	Motion to Suspend for Civil Action 91231047 1-13-2017_Part1.pdf(5015384 bytes) Motion to Suspend for Civil Action 91231047 1-13-2017_Part2.pdf(5175548 bytes) Motion to Suspend for Civil Action 91231047 1-13-2017_Part3.pdf(1942957 bytes)

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

In the matter of Application Ser. No. 85/982549

For the mark: FERRARA PRO SALON PROFESSIONAL and Design

Date of Filing: May 13, 2013

AMERICAN TRAINING CENTER INC.,

Opposer,

v.

PAUL FERRARA,

Applicant.

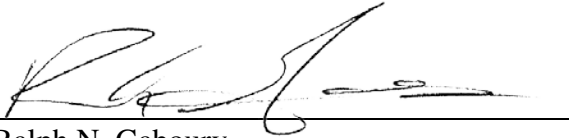
Opposition No. 91231047

OPPOSER'S MOTION TO SUSPEND PENDING CIVIL ACTION

Pursuant to 37 CFR § 2.117 and TBMP § 510.02(a), Opposer, American Training Center Inc. ("ATC" or "Opposer"), respectfully moves that this proceeding be suspended pending the outcome of the civil action filed by Opposer against Applicant in the United States District Court for the District of New Jersey, styled as *American Training Center Inc. v. Robert Fiance Beauty Schools Inc., Robert Fiance Makeup Academy, Inc., Ferrara Education Group, LLC and Paul Ferrara* (D.N.J. 2:16-cv-08605) (hereafter the "Civil Action"), as the Civil Action will have a direct bearing on the Applicant's right to the mark at issue.

Attached as Exhibit A is a copy of the Complaint filed with the federal district court in the Civil Action, which, *inter alia*, seeks to permanently enjoin Applicant's use of the mark in the opposed Application.

Dated: January 13, 2017


Ralph N. Gaboury

COX PADMORE SKOLNIK &
SHAKARCHY LLP

Attorneys for Opposer
AMERICAN TRAINING CENTER INC.

630 Third Avenue, 19th Floor
New York, NY 10017
P: (212) 953-6633
F: (212) 949-6943
E: gaboury@cpsslaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Motion to Suspend Pending Civil Action has been served on Applicant Paul Ferrara by electronic mail (by agreement) to Applicant's counsel of record listed below on January 13, 2017:

Bruce T. Margulies
Neifeld IP Law, PC
5400 Shawnee Road, Suite 310
Alexandria, VA 22312
E: bmargulies@neifeld.com

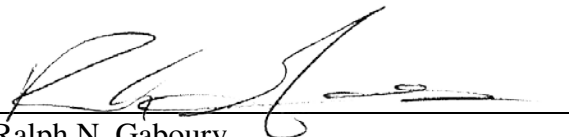

Ralph N. Gaboury

EXHIBIT A

Charles Epstein
Stefan B. Kalina
COX PADMORE SKOLNIK &
SHAKARCHY LLP

27 Warren Street, Suite 304
Hackensack, New Jersey 07601
P: (201) 489-7600
E: ceatty@gmail.com

630 Third Avenue, 19th Floor
New York, NY 10017
P: (212) 953-6633
E: kalina@cpsslaw.com

Attorneys for Plaintiff
American Training Center Inc.

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

AMERICAN TRAINING CENTER INC.,
a New York Corporation,

Plaintiff,

vs.

ROBERT FIANCE BEAUTY SCHOOLS
INC., a New Jersey Corporation,
ROBERT FIANCE MAKEUP
ACADEMY, INC., a New Jersey
Corporation, FERRARA EDUCATION
GROUP, LLC, a New Jersey Limited
Liability Company, and PAUL FERRARA,
an individual domiciled in New Jersey,

Defendants.

Civil Action No. _____

Hon. _____

**COMPLAINT
AND JURY DEMAND**

(Document filed electronically)



Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.