

ESTTA Tracking number: **ESTTA900021**

Filing date: **05/31/2018**

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

Proceeding.	91240730
Applicant	Defendant Hyperion Entertainment C.V.B.A.
Other Party	Plaintiff Itec, LLC
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	No

### Motion for Suspension in View of Civil Proceeding With Consent

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Hyperion Entertainment C.V.B.A. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Hyperion Entertainment C.V.B.A. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Hyperion Entertainment C.V.B.A. has provided an email address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address of record by Email on this date.

Respectfully submitted,  
/rexadonnely/

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05/31/2018

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

In the Matter of:  
Application Serial No. 87/329,469  
Published in the *Official Gazette*  
On December 26, 2017

ITEC, LLC,  
Opposer,

v.

HYPERION ENTERTAINMENT C.V.B.A.,  
Applicant.

**Mark:** Boing Ball Logo

**Opposition No.:** 91240730

**JOINT STIPULATION TO SUSPEND PROCEEDINGS**

Pursuant to Rule 37 C.F.R. § 2.117(a) and TBMP § 510.02, Opposer Itec, LLC (“Itec”) and Applicant Hyperion Entertainment C.V.B.A. (“Hyperion”) stipulate that this opposition proceeding be suspended pending the final determination of a pending civil action involving both parties which will have a direct bearing on this proceeding.

The parties state the following:

1. On March 13, 2018, Hyperion commenced a civil action, captioned “*Hyperion Entertainment C.V.B.A. v. Itec LLC, Amiga, Inc., Amino Development Corporation [(collectively, the “Amiga Parties) and Cloanto Corporation,*” in the United States District Court for the Western District of Washington (WDWA18-cv-00381-RSM) (the “Civil Action”). A copy of the Complaint from the Civil Action is attached as Exhibit 1.
2. The Complaint alleges, among other things, issues in common with those in the present proceeding. In the Civil Action, Hyperion seeks, among other relief, (a) judgment that Applicant is the rightful owner of the Boing Ball logo mark pursuant to a settlement agreement

with the Amiga Parties and (b) judgment as to whether the Amiga Parties, or which among them, owns any portion of the Boing Ball logo mark.

3. It is the policy of the Board to suspend proceedings when the parties are involved in a civil action that may have a bearing on the Board case. 37 C.F.R. § 2.117(a). Because the District Court's determination as to ownership of the Boing Ball logo mark will be binding upon the Board, the parties respectfully request that the TTAB exercise its discretion to suspend the instant proceeding pending final determination of the Civil Action.

4. Moreover, suspending this proceeding pending the final determination of the Civil Action will promote judicial economy.

/James T. Hultquist/

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Hyperion Entertainment C.V.B.A.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the document identified below has been served via the method stated below:

Date of Service: May 31, 2018

Title of Document: Joint Stipulation to Suspend Proceedings

Party Served: James T. Hultquist, Esq.  
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Type of Service: **Via Electronic Mail**

*/Rex A. Donnelly/*  
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# EXHIBIT 1

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