

ESTTA Tracking number: **ESTTA940027**

Filing date: **12/07/2018**

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

Proceeding	91241072
Party	Plaintiff Entrepreneur Media, Inc.
Correspondence Address	PATRICK JUSTMAN LATHAM & WATKINS LLP 12670 HIGH BLUFF DRIVE SAN DIEGO, CA 92130-2071 UNITED STATES patrick.justman@lw.com, alethia.corneil@lw.com, tara.villegas@lw.com, ipdock-et@lw.com, andrew.dane@lw.com 858-523-5400
Submission	Motion to Suspend for Civil Action
Filer's Name	Patrick Justman
Filer's email	patrick.justman@lw.com
Signature	/s/ Patrick Justman
Date	12/07/2018
Attachments	2018_12_07_Motion to Suspend Proceeding re Autopilot Entrepreneur.pdf(427708 bytes)

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

In re the Application of Autopilot Entrepreneur
Serial No. 87/569534
Filed: August 15, 2017
Trademark: **AUTOPILOT ENTREPRENEUR**
Published: January 9, 2018

Entrepreneur Media, Inc.,)	
)	
v. Opposer,)	OPPOSITION NO. 91241072
)	
Mijan, LLC,)	
)	
Applicant.)	
_____)	

MOTION TO SUSPEND PROCEEDING

Pursuant to 37 C.F.R. § 2.117 and Rule 510.02(a) of the Trademark Trial and Appeal Board’s Manual of Procedure (“TBMP”), Opposer Entrepreneur Media, Inc. (“EMI”) hereby files this Motion to Suspend this opposition proceeding pending the outcome of the civil action, *Entrepreneur Media, Inc. v. James P. Friel, et al.*, Case No. 6:18-cv-02067-ACC-DCI, pending in the U.S. District Court for the Middle District of Florida. A copy of the complaint filed by EMI against Applicant in that matter is attached.

The pending civil action involves substantially the same issues that are involved in this proceeding. It is anticipated that the District Court’s determination of these issues will likely be dispositive of the issues involved in this proceeding and therefore, EMI respectfully requests suspension of these proceedings pending the outcome of the aforementioned civil action.

Dated: December 7, 2018

Respectfully submitted,

LATHAM & WATKINS LLP



By:

Patrick C. Justman
LATHAM & WATKINS LLP
12670 High Bluff Drive
San Diego, California 92130-2071
(858) 523.5400 / (858) 523-5450 Fax
patrick.justman@lw.com; ipdocket@lw.com

Attorneys for Opposer
Entrepreneur Media, Inc.

ATTACHMENT

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

ENTREPRENEUR MEDIA, INC., a
California corporation,

Plaintiff,

v.

JAMES P. FRIEL, an individual;
MIJAN, LLC, a Florida limited liability
company; and DOES 1-10,

Defendants.

Civil Action No.

**COMPLAINT
DEMAND FOR JURY TRIAL
INJUNCTIVE RELIEF SOUGHT**

NATURE OF ACTION

1. Plaintiff Entrepreneur Media, Inc. (“EMI”) brings this complaint against James P. Friel, Mijan, LLC, and Does 1-10 (collectively “Defendants”) for federal trademark infringement and false designation of origin, and unfair competition in violation of the Lanham Act, 15 U.S.C. § 1051, *et seq.*, Florida common law unfair competition and trademark infringement, and violations of the Florida Deceptive and Unfair Trade Practices Act (“FDUTPA”), and EMI alleges, with knowledge concerning its own acts and on information and belief as to all other matters (unless otherwise specifically stated), as follows:

THE PARTIES

2. EMI is a California corporation with its principal place of business at 18061 Fitch Avenue, Irvine, California 92614.

3. Defendant James P. Friel (“Friel”) is an individual residing in Daytona



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.