

ESTTA Tracking number: **ESTTA946019**

Filing date: **01/08/2019**

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

Proceeding No.	91241072
Filing Party	Plaintiff Entrepreneur Media, Inc.
Other Party	Defendant Mijan, LLC
Pending Motion	There is no motion currently pending and no other motion is being filed concurrent with this consent motion.
Attachments	2019_01_08_Consent Motion to Suspend re Autopilot Entrepreneur.pdf(427968 bytes)

Consent Motion for Suspension in View of Civil Proceeding

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Entrepreneur Media, Inc. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Entrepreneur Media, Inc. has secured the express consent of all other parties to this proceeding for the suspension requested herein.

Certificate of Service

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

Respectfully submitted,
/s/ Patrick Justman
Patrick Justman
patrick.justman@lw.com
01/08/2019

**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.,)	
)	
Opposer,)	OPPOSITION NO. 91241072
v.)	
)	
Mijan, LLC,)	
)	
Applicant.)	
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CONSENT 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 Consent Motion to Suspend this 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 (the “Federal Court Action”). A copy of the complaint filed by EMI against Applicant in that matter is attached.

The parties in this proceeding are the same parties involved in the Federal Court Action. The same registrations and application at issue in this proceeding are at issue in the Federal Court Action. The final determination of the Federal Court Action will have a bearing on the issues before the Board in this proceeding. Accordingly, the parties request that this proceeding be suspended.

On January 4, 2019, EMI and Applicant Mijan, LLC (“Mijan”) conferred regarding the filing of this Consent Motion. Mijan provided its consent to the requested suspension of this proceeding.

Dated: January 8, 2019

Respectfully submitted,

LATHAM & WATKINS LLP

By: 

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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

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