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

Proceeding	91245055
Party	Defendant Smooch Labs Inc.
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Date	02/14/2019
Attachments	S1923.50000US00 - Consent Motion to Suspend Proceeding.pdf(2190751 bytes )

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

Applicant: SMOOCH LABS INC.  
Serial No. 86/983877  
Published: June 5, 2018  
Mark: JSWIPE

_____ )	
Match Group, LLC, )	
)	
Opposer, )	
)	Opposition No. 91245055
v. )	
)	
Smooch Labs Inc., )	
)	
Applicant. )	
_____ )	

**CONSENT MOTION TO SUSPEND PROCEEDING**

Pursuant to 37 C.F.R. § 2.117(a) and TBMP § 510.02(a), Applicant Smooch Labs Inc. (“Applicant”), through its undersigned counsel, hereby moves for an Order suspending Opposition No. 91245055 (the “Opposition”) pending resolution of a related civil action. Said action (1) was filed on March 16, 2018 in U.S. District Court for the Western District of Texas by Opposer Match Group, LLC (“Opposer”), owner of U.S. Registration No. 4465926 for the mark SWIPE (“Opposer’s Registration”), which mark is asserted against Applicant in the Opposition, (2) alleges, *inter alia*, infringement of Opposer’s mark by third-party defendant Bumble Trading Inc. (“Bumble”), and (3) includes a counterclaim by Bumble for cancellation of Opposer’s Registration on the ground that Opposer’s mark is allegedly generic or descriptive of Opposer’s goods. Applicant attaches hereto copies of the Amended Complaint (see Exhibit A, at

39) and Bumble's Answer and Counterclaim (see Exhibit B, at 22-37) filed in Opposer's civil action.

Because Opposer's Registration has been challenged by Bumble in the district court proceeding, and Opposer has expressed intention to vigorously defend this third-party challenge, the outcome of said proceeding may bear on the outcome of the Opposition. Accordingly, Applicant submits that good cause exists for suspension of the Opposition proceeding pending resolution of the civil action.

During a January 14, 2019 telephone conference, Opposer, through its counsel Jeremy S. Boczko, consented to this motion.

For the foregoing reasons, Applicant respectfully requests that the Board grant its motion and suspend the Opposition proceeding pending resolution of Opposer's district court action.

Respectfully submitted,



Date: February 14, 2019

By \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **CONSENT MOTION TO SUSPEND PROCEEDING** was served on counsel for Applicant, this 14th day of February, by sending same via electronic service to:

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Stephanie G. Stella

Attorney Docket No.: S1923.50000US00

# EXHIBIT A

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