

ESTTA Tracking number: **ESTTA1022566**

Filing date: **12/13/2019**

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

Proceeding	91252765
Party	Plaintiff LiveRamp, Inc.
Correspondence Address	MEREDITH LOWRY WRIGHT, LINDSEY & JENNINGS LLP 3333 PINNACLE HILLS PARKWAY SUITE 510 ROGERS, AR 72758 UNITED STATES mlowry@wlj.com, jdougherty@wlj.com, aturnbaugh@wlj.com 4796313282
Submission	Motion to Suspend for Civil Action
Filer's Name	Meredith Lowry
Filer's email	mlowry@wlj.com, aturnbaugh@wlj.com
Signature	/Meredith Lowry/
Date	12/13/2019
Attachments	MotionStay.pdf(2560648 bytes)

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

LIVERAMP, INC.,)	
)	
)	
Opposer,)	
)	
v.)	Opposition No. 91252765
)	
KOCHAVA INC.,)	Serial No. 88/578,434
)	
)	
Applicant.)	
)	
)	

MOTION FOR SUSPENSION

Opposer LiveRamp, Inc. (“Opposer”) moves for a suspension of the above-styled opposition proceeding pursuant to Trademark Rule of Practice 2.117(a). See 37 C.F.R. § 2.117(a).

The parties to this proceeding are involved in an active litigation in the U.S. District Court for the Northern District of California entitled LiveRamp, Inc. v. Kochava Inc., Civil Action No. (3:19-cv-02158), in which Opposer seeks a judicial determination of whether Opposer’s use of the mark IDENTITYLINK violates any trademark rights owned by Kochava Inc. (“Kochava”) and seeks to settle the ownership of the mark IDENTITYLINK. (A copy of the Opposer’s Complaint (Dkt. 1 in the civil action) is attached as **Exhibit 1**.) In light of this pending federal court litigation, the TTAB has already stayed, Opposition No. 91239025, which is Applicant’s opposition to Opposer’s application to register the IDENTITYLINK mark. (A copy of the stay order is attached as **Exhibit 2**).

The Trademark Trial and Appeal Board’s well-settled policy is to suspend proceedings when one or both parties are involved in a civil action that may have a bearing on the Board case.

Trademark Rule 2.117(a); *General Motors Corp. v. Cadillac Club Fashions Inc.*, 22 USPQ2d 1933, 1937 (TTAB 1992). The pending civil action in the Northern District of California involves the same mark and the same parties as this proceeding and Opposer's proceeding, Opposition No. 91239025. The outcome of the federal court action may be dispositive of or have a bearing on the current Opposition proceeding. Accordingly, the Board's policy calls for suspension of this proceeding.

Therefore, Opposer respectfully requests that the Board suspend this Opposition proceeding pending termination of the civil action.

This 13th day of December, 2019.

Respectfully submitted,

/Meredith K. Lowry/
Meredith K. Lowry, Reg. No. 58,422
WRIGHT LINDSEY & JENNINGS LLP
3333 Pinnacle Hills Pkwy. Ste. 510
Rogers, AR 72758
(479) 631-3282

Attorneys for Opposer
LIVERAMP, INC.

CERTIFICATE OF SERVICE

This is to certify that, on December 13, 2019, the undersigned has served on this date a true and correct copy of the within and foregoing Motion for Suspension regarding Opposition No. 91252765, and the exhibits thereto, upon counsel for Applicant by emailing the same as follows:

J. Christopher Lynch
Joshua T. Grandinetti
Lee & Hayes, PLLC
601 W. Riverside Avenue, Suite 1400
Spokane, Washington 99201
chris@leehayes.com, jgrandinett@leehayes.com

/Meredith K. Lowry/
Meredith K. Lowry, AR Bar 2005232
J. Charles Dougherty, AR Bar 96185
WRIGHT LINDSEY & JENNINGS LLP
3333 Pinnacle Hills Pkwy. Ste. 510
Rogers, AR 72758
(479) 631-3282
Attorneys for Opposer

EXHIBIT 1

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.