

ESTTA Tracking number: **ESTTA1135689**

Filing date: **05/21/2021**

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

Proceeding	91266792
Party	Plaintiff Dennis M Hope
Correspondence Address	STUART J. WEST WEST & ASSOCIATES, A PC 3050 CITRUS CIRCLE, STE. 207 WALNUT CREEK, CA 94598 UNITED STATES Primary Email: trademark@westpatentlaw.com 925-262-2220
Submission	Motion to Suspend for Civil Action
Filer's Name	Stuart J. West
Filer's email	trademark@westpatentlaw.com
Signature	/Stuart J. West/
Date	05/21/2021
Attachments	20210521-TOFILE-MotionToSuspend-HOPED-41001O.pdf(541791 bytes)

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

In re Application No. 88671419

For the mark: Lunarland.com

Filed: October 28, 2019

Published in the Trademark Official Gazette: September 1, 2020

-----X	:	
Dennis M. Hope,	:	
	:	Opposition No. 91266792
Opposer,	:	
	:	
v.	:	
	:	
Lunarlandowner.com, Inc.,	:	
	:	
Applicant.	:	
-----X		

**MOTION TO SUSPEND PROCEEDINGS PENDING DISPOSITION OF DISTRICT
COURT ACTION**

Pursuant to 37 C.F.R. § 2.117(a) and TBMP § 510.02(a), Opposer, through his counsel, hereby moves the Board to suspend the above-referenced proceeding (the “TTAB Proceeding”) pending final disposition of Federal district court case No. 2:20-cv-01783-TLN-DB, (originally given temporary case No. 2:20-at-00868) filed September 3, 2020, in the Eastern District Court of California. Copies of the complaint and civil cover sheet are attached as Exhibit 1 to allow the Board to determine if the outcome of the civil action will have a bearing on the issues before the Board.

The civil action involves issues in common with those in the above-referenced proceeding before the Board and the decision in the Federal Court will be binding upon the Board, while the Board's decision may not be binding upon the Court. Opposer is a Plaintiff and Applicant is the sole Defendant in the civil action. In the civil action, Opposer brought Federal Trademark Infringement claims against Applicant under the Lanham Act in addition to passing off, reverse passing off, false suggestion of connection, Federal Unfair Competition, Unfair Business Practices, Declaratory Relief Based on Non-Infringement, Copyright Misuse, DMCA Misuse/Abuse, Fraudulent Copyright Misrepresentation, Fraud, Intentional Interference with Prospective Business Advantage, and Negligent Interference with Business Advantage. The marks at issue in the civil action are the same marks at issue in this opposition. When parties are involved in a civil action concerning the same marks and issues, the standard procedure of the Board is to suspend its administrative proceedings pending the outcome of the civil action. *New Orleans Louisiana Saints LLC v. Who dat? Inc.*, 99 USPQ2d 1550, 1552 (TTAB 2011)(quoting *6 McCarthy on Trademarks and Unfair Competition* § 32:47 (5th ed. Updated September 2017)).

Opposer's counsel consulted with Applicant's counsel regarding this motion to suspend pending the outcome of the civil action. Applicant's counsel stated that he opposes the filing of this motion.

For the reasons mentioned above, Opposer respectfully requests that the Board suspend the above-referenced proceeding pending the outcome of the civil action referenced above.

Respectfully Submitted,

/Stuart J. West/
By: Stuart J. West, Esq.
West & Associates, A PC
3050 Citrus Circle, Ste. 207
Walnut Creek, CA 94598
Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Motion to Suspend Proceedings Pending Disposition of District Court Action has been served on Lorne E. Berkeley by forwarding said copy on May 21, 2021, via email to lberkeley@drbdc-law.com.

/Dawn Callender/
Dawn Callender

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.