

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)

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.
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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

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