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Filing date: **04/26/2022**

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

Proceeding no.	91269822
Party	Plaintiff Shanti Wines, LLC
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	court@westpatentlaw.com, trademark@westpatentlaw.com
Signature	/Stuart J. West/
Date	04/26/2022
Attachments	20220426-CompleteMotionToSuspend-SHANT-410011.pdf(1884641 bytes)

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

In the Matter of Application Serial No. 88685322
For the mark: Shanti Junery
Published: April 13, 2021

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Shanti Wines, LLC, :
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 : Opposition No. 91269822
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 : Opposer, :
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 : v. :
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 : Shanti Elixirs, L.L.C., :
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 :
 : Applicant. :
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**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 its counsel, hereby moves the Board to suspend the above-referenced proceeding (the “TTAB Proceeding”) pending final disposition of Federal district court case No. 4:22-cv-02511-SK, filed April 25, 2022, in the Northern 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 the sole Plaintiff and Applicant is a Defendant in the civil action. In the civil action, Opposer brought Federal Trademark Infringement claims against Applicant under the Lanham Act in addition to a Request for Refusal to Register, Federal Unfair Competition, CA Trademark Infringement, CA Unfair Competition, Defamation, Public Disclosure of Private Facts. One of the marks at issue in the civil action is the same mark 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 contacted Applicant's counsel regarding this motion to suspend pending the outcome of the civil action. As of the filing of this motion Applicant's counsel has not yet responded to Opposer's counsel.

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,

West & Associates, A PC

/s/ Stuart J. West

Stuart J. West

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Walnut Creek, CA 94598

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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 was served this 26th day of April 2022, by sending it via e-mail to counsel for Applicant at RCrandall@mwblawyers.com, swinkler@mwblawyers.com.

/s/ Dawn Callender
Dawn Callender

Exhibit 1

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