

ESTTA Tracking number: **ESTTA273370**

Filing date: **03/20/2009**

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

Proceeding	92049420
Party	Defendant Bauer Bros LLC
Correspondence Address	Alexander E. Papaefthimiou Law Office of Darren J. Quinn 12702 Via Cortina, Suite 105 Del Mar, CA 92014 UNITED STATES
Submission	Motion to Suspend for Civil Action
Filer's Name	Alexander E. Papaefthimiou
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Signature	/s/ Alexander E. Papaefthimiou
Date	03/20/2009
Attachments	suspend.mot.pdf.PDF (18 pages)(763882 bytes)

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

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11 NIKE, INC.,)

12) Petitioner,)

13) v.)

14) BAUER BROTHERS LLC,)

15) Registrant /Respondent.)
16 _____)

Cancellation No.: 92049420

In the matter of Registration No. 2,959,755

Mark: DON'T TREAD ON ME

Date Registered: June 7, 2005

Goods/Services: IC 025

17 **MOTION TO SUSPEND FOR CIVIL ACTION**

[T.M.E.P. 510.02; 37 C.F.R. §2.117(a)]
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1 Registrant and respondent BAUER BROTHERS LLC (“Registrant”) respectfully requests,
2 pursuant to T.M.E.P. 510.02 and 37 C.F.R. §2.117(a), that these proceedings be suspended in light
3 of an action pending between the parties in the Southern District of California, *Bauer Bros. LLC*
4 *v. Nike, Inc.*, 09cv0500 W (JMA) (the “Action”), which Action may have a bearing on these
5 proceedings.

6 A file stamped copy of the Complaint in the Action is attached hereto.

7 The Action involves issues in common with these proceedings because it is an action by
8 Registrant against petitioner NIKE, INC. (“Petitioner”) for, *inter alia*, infringement of the trademark
9 that is the subject of these proceedings. The validity of the mark at issue in these proceedings will
10 be at issue in the Action and Petitioner may assert the invalidity thereof in the Action. The District
11 Court’s decision in the Action will likely be binding upon the Board, while the decision of the
12 Board is not binding upon the District Court. *See* T.M.E.P. 510.02(a).

13 Dated: March 13, 2009

14 Respectfully submitted by:
15 LAW OFFICES OF DARREN J. QUINN
16 DARREN J. QUINN
17 ALEXANDER E. PAPAETHIMIOU

18 
19 _____
20 Alexander E. Papaefthimiou

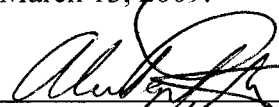
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CERTIFICATE OF FILING

I hereby certify that the foregoing **MOTION TO SUSPEND FOR CIVIL ACTION** was filed with the TTAB using the ESTTA filing system on March 13, 2009.



Alexander E. Papaefthimiou

PROOF OF SERVICE

I am employed in the County of San Diego, State of California. I am over the age of 18 and am not a party to the within action; my business address is: 12702 Via Cortina, Suite 105, Del Mar, CA 92014.

I served the foregoing documents described as:

– **MOTION TO SUSPEND FOR CIVIL ACTION**

upon the interested parties in this action by placing

copies enclosed in sealed envelopes to:


Kevin C. Parks, Esq.
Michelle L. Calkins, Esq.
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, 180 N. Stetson Ave., Suite 4900
Chicago, Illinois 60601-6731

Attorneys for Petitioner

VIA REGULAR MAIL by depositing such envelope with United States Postal Service facility in Del Mar, California with postage fully prepaid.

I certify under penalty of perjury under the laws of the State of California and the laws of the United States that the foregoing is true and correct.

Dated: March 13, 2009 at Del Mar, California.



Alexander E. Papaefthimiou

ATTACHMENT

ATTACHMENT

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