

ESTTA Tracking number: **ESTTA635846**

Filing date: **10/29/2014**

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

Proceeding	92057201
Party	Plaintiff NexPay, Inc.
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Submission	Response to Board Order/Inquiry
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Signature	/Dyan House/
Date	10/29/2014
Attachments	2014.10-29 Joint Status of Civil Action re Order (10-03-14).pdf(76554 bytes) Exhibit A.pdf(73262 bytes) Exhibit B.pdf(164706 bytes)

dispositive of the issues involved in this proceeding. Petitioner is a defendant in the Second Action.

The parties therefore respectfully request the continued suspension of this proceeding pursuant to Trademark Rule 2.117(a), 37 C.F.R. §2.117(a). *Whopper-Burger, Inc. v. Burger King Corp.*, 171 U.S.P.Q. 805, 807 (TTAB 1971) (suspending Cancellation proceeding in light of pending federal litigation because “the outcome of the civil action will have a direct bearing on the question of the rights of the parties herein and may in fact completely resolve all the issues.”).

Dated this 29th day of October 2014.

Respectfully submitted,

/s/ Dyan M. House

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Status of Civil Action to has been served on Registrant's Attorney, Registrant's Attorney, Andriy Lytvyn, Smith & Hopen, P.A., 180 Pine Avenue North, Oldsmar, Florida 34677, via email (by agreement) on this 29th day of October 2014.

/s/ Dyan M. House _____

Dyan M. House

EXHIBIT A

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