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

Proceeding	92057511	
Party	Defendant Origami Owl, LLC	
Correspondence Address	RAY K HARRIS FENNEMORE CRAIG 2394 E CAMELBACK RD, STE 600 PHOENIX, AZ 85016 UNITED STATES ssmith@fclaw.com, ip@fclaw.com	
Submission	Motion to Suspend for Civil Action	
Filer's Name	Filer's Name Ray K. Harris	
Filer's e-mail	iler's e-mail rharris@fclaw.com, mtollive@fclaw.com	
Signature	nature /Ray K. Harris/	
Date	01/22/2015	
Attachments	Motion to Suspend Proceedings.pdf(6011 bytes) Complaint v. Mayo.pdf(383397 bytes)	



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

In the matter of Trademark Registration No. 4307520

ANN MAYO,

Petitioner,

v.

ORIGAMI OWL, LLC,

Respondent.

Cancellation No. 92057511

Trademark Registration No.: 4,307,520

Mark: LIVING LOCKETS Registered: March 26, 2013

Commissioner for Trademarks 2900 Crystal Drive Arlington, Virginia 22202-3513

Box: TTAB No Fee

MOTION TO SUSPEND PROCEEDINGS

Origami Owl, LLC, Respondent in this cancellation proceeding, has filed a civil action against Ann Mayo, Petitioner in this action, to enforce the LIVING LOCKETS trademark at issue in this cancellation proceeding. Pursuant to TTAB Rule of Practice 2.117(a) Respondent moves to suspend these proceedings until termination of the civil action. A copy of the Complaint in the civil action, filed today in the U.S. District Court in the District of Arizona, is attached.

Respectfully Submitted,

By: /s/Ray K. Harris

Ray K. Harris, Esq.
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Attorneys for Respondent

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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served via First Class Mail, postage pre-paid, to:

Luke Brean P.O. Box 4120 Portland, OR 97211

Respectfully submitted this 22nd day of January, 2015.

By /s/Ray K. Harris
Ray K. Harris
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3	Phoenix, AZ 85016-3429 Telephone: (602) 916-5000		
4	Email: rharris@fclaw.com		
5	Attorneys for Plaintiff Origami Owl, LLC		
6			
7			
8	UNITED STATES DISTRICT COURT		
9	DISTRICT OF ARIZONA		
10	Origami Owl, LLC, a Delaware corporation,	Civil Action No.	
11	Plaintiff,	COMPLAINT FOR	
12	V.	(1) Design Patent Infringement (35 U.S.C. § 271)	
13 14	Julie E. Mayo, a single woman, Ann L. Mayo, a single woman, doing business	(2) Trademark Infringement (15 U.S.C. § 1114)	
15	as West Coast Charms and 5th Avenue Pets,	(3) Copyright Infringement (17 U.S.C. § 501)	
16	Defendants.	Demand For Jury Trial	
17		2 3 2 0 3 (3 	
18	Plaintiff Origami Owl, LLC ("O2"), for its Complaint against Julie E. Mayo and		
19	Ann L. Mayo, d.b.a. West Coast Charms and 5 th Avenue Pets, alleges:		
20	THE PARTIES		
21	1. O2 is a Delaware corporation with its principal place of business at 410 S.		
22	Benson Lane, Suite 1, Chandler, AZ 85224.		
23	2. On information and belief, Julie E. Mayo is a resident of California, residing		
24	at 6900 Birchwood Circle, Citrus Heights, CA 95621 or 2485 Notre Dame Boulevard,		
25	Suite 370-121, Chico, CA 95928. Julie E. Mayo does business as West Coast Charms and		
26	5th Avenue Pets.		
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- 3. On information and belief, Ann L. Mayo is a resident of California, residing at 4 Valley Lake Commons, Chico, CA 95928. On information and belief, since 2011, Ann L. Mayo also does business as West Coast Charms and 5th Avenue Pets.
- 4. On information and belief, in 2011, Julie E. Mayo sold the businesses known as West Coast Charms and 5th Avenue Pets to Ann L. Mayo. Ann L. Mayo is the mother of Julie E. Mayo. Julie E. Mayo continues to assist in running the businesses.
- 5. Ann L. Mayo and Julie E. Mayo are the agents of each other and, at all times since 2011, acted within the course and scope of such agency.

JURISDICTION AND VENUE

- 6. This Court has subject matter jurisdiction over O2's claims for patent, trademark, and copyright infringement pursuant to 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331 and 1338(a). Diversity jurisdiction exists under 28 U.S.C. §§ 1332 because the amount in controversy is in excess of \$75,000, excluding interest and costs, and there is complete diversity between the parties. Supplemental jurisdiction over the state law claims exists under 28 U.S.C. §§ 1338(b) and 1367.
- 7. On information and belief, this Court has personal jurisdiction over Defendants. Defendants have (a) purposely availed themselves of the privilege of conducting substantial business in the State of Arizona; (b) derived financial benefits from residents of the State of Arizona, including by marketing and selling infringing products to residents of the State of Arizona and otherwise placing infringing products into the stream of commerce, with the knowledge or understanding that such products are sold in the State of Arizona; (c) caused targeted harm to occur to O2 in Arizona. The causes of action arise directly from the Defendants' activities in the State of Arizona.
- 8. Defendants operate websites at www.5thavenuepets.com and www.5thavenuepets.com and throughout the United States.



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