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Filing date: **08/10/2017**

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

Proceeding	92058315
Party	Plaintiff State of Michigan
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Submission	Other Motions/Papers
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Signature	/s/Toni L. Harris
Date	08/10/2017
Attachments	M22 Notice of Outcome.pdf(64318 bytes) Exhibit A.pdf(348625 bytes) Exhibit B.pdf(22566 bytes) Exhibit C.pdf(81342 bytes)

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

State of Michigan)	
)	
Petitioner,)	Reg. Nos.: 3992159
)	3348635
)	
v.)	
)	
M22, LLC)	Proceeding: 92058315
)	
Respondent.)	
)	
)	
)	

**NOTICE OF OUTCOME OF
PENDING CIVIL ACTION**

Petitioner, State of Michigan, by and through its undersigned counsel, and pursuant to the Board's Order dated September 27, 2016, hereby submits this Notice of Outcome of Pending Civil Action, together with copies of orders entered by the presiding federal and state courts. For its Notice, the State states as follows:

On August 23, 2016, the State filed a Complaint for Declaratory Judgment in the State of Michigan, 30th Circuit Court for the County of Ingham, located in Lansing, Michigan, Case No. 16-648-CZ assigned to the Honorable Clinton Canady III, Circuit Court Judge. On August 31, 2016, Respondent removed the case to the United States District Court for the Western District of Michigan, Case No. 16-1084 assigned to the Honorable Gordon J. Quist, Federal District Judge. On September 14, 2016, the State filed with the federal district court a Motion to Decline Supplemental Jurisdiction.

On April 21, 2017, the federal court issued an Opinion finding the court lacked jurisdiction over the State's claim for declaratory relief. (Ex. A.) The federal court also issued an Order of Remand, remanding the matter to Ingham County Circuit Court. (Ex. B.)

In the circuit court action, Respondent filed a Motion for Summary Disposition, and the State filed a Motion for Summary Disposition on May 23, 2017. On August 9, 2017, the circuit court entered an Order denying Respondent's Motion and granting in part and denying in part the State's Motion. (Ex. C.) More particularly, the circuit court held as follows:

- i. The state and federal Manuals of Uniform Traffic Control Devices have the force and effect of law in the State of Michigan;
- ii. Defendant M22, LLC is a Michigan limited liability subject to the laws of Michigan;
- iii. The M22 state route sign is a traffic control device;
- iv. This order ends this litigation and the Trademark Trial and Appeal Board may lift its stay. For the reasons stated on the record, the Court declines to determine whether Defendant M22, LLC's federal trademark registrations issued by the United States Patent and Trademark Office constitute unlawful use.

(Ex. C.)

Respectfully submitted,

By: /s/Toni L. Harris

Date: August 10, 2017

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PROOF OF SERVICE

I, Susan Lubitz, legal secretary to Assistant Attorney General Toni L. Harris, certify that on August 10, 2017, I served a true and correct copy of State's Notice of Outcome of Pending Civil Action on Respondent's counsel of record by electronic mail.

/s/ Susan Lubitz

EXHIBIT A TO

Notice of Outcome of Pending Civil Action

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