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Filing date: **04/26/2017**

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

Proceeding	92061600
Party	Defendant Club Cannon, LLC
Correspondence Address	JEFFREY L VAN HOOSEAR KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN ST 14TH FL IRVINE, CA 92614 UNITED STATES efiling@knobbe.com
Submission	Motion to Suspend for Civil Action
Filer's Name	JEFFREY L. VAN HOOSEAR
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Signature	/JVH/
Date	04/26/2017
Attachments	Registrants Motion to Suspend CCANN001N.PDF(531640 bytes ) Registrants Motion to Suspend EXHIBIT A CCANN001N.PDF(4650585 bytes )

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

CryoFX LLC,  
Petitioner,

v.

Club Cannon, LLC,  
Registrant.

Cancellation No. 92061600

Registration No.: 4,648,696

Mark: CLUB CANNON

**REGISTRANT'S MOTION TO SUSPEND**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir or Madam:

Pursuant to 37 CFR §2.117 and Trademark Trial and Appeal Board Manual of Procedure (TBMP) Chapter 510.02(a), Registrant Club Cannon, LLC ("Registrant" or "Club Cannon") hereby moves for an Order suspending this Cancellation pending the disposition of Civil Action No. 3:17-CV-0835-WQH-WVG, *Club Cannon LLC v. CryoFX LLC*, in the U.S. District Court for the Southern District of California.

In the Federal Court action, Registrant filed a complaint alleging that Petitioner's use of CLUB CANNON for carbon dioxide special effects equipment and accessories constitutes trademark infringement of Registrant's CLUB CANNON mark, Registration No. 4,648,696.

A copy of Registrant's Complaint, Civil Cover Sheet and Report on Filing of an Action re Trademark No. 4,648,696 are attached hereto as Exhibit A.

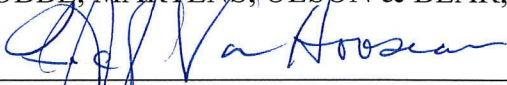
The Registrant's rights in its CLUB CANNON mark is a central issue in both the cancellation proceeding and the civil litigation. As such, Registrant states that the pending civil litigation will have a direct bearing on the cancellation proceeding and as such, suspension should be granted. See 37 CFR §2.117(a); General Motors Corp. v. Cadillac Club Fashions Inc., 22 USPQ2d 1933 (TTAB 1992). Although an answer in the civil litigation has not been filed, as set forth in TBMP Chapter 510.02(a), the Board does not usually require that an answer be filed before the Board will consider suspending a Board proceeding pending the outcome of another proceeding.

Registrant Club Cannon respectfully requests that the above-captioned cancellation proceeding be suspended pending final resolution of Civil Action No. 3:17-CV-0835-WQH-WVG.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

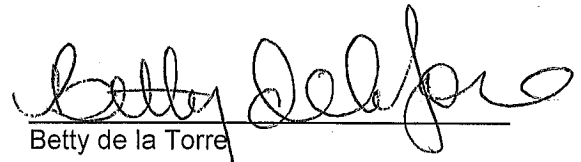
Dated: April 26, 2017

By:   
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efiling@knobbe.com  
Attorneys for Registrant, Club Cannon, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **REGISTRANT'S MOTION TO SUSPEND** upon Petitioner's counsel via electronic mail on April 26, 2017, addressed as follows:

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# EXHIBIT A

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