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Filing date: **11/04/2015**

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

Proceeding	92062420
Party	Defendant PGI Polymer, Inc.
Correspondence Address	PGI POLYMER INC 9335 HARRIS CORNERS PARKWAY, SUITE 300 CHARLOTTE, NC 28269 UNITED STATES
Submission	Motion to Suspend for Civil Action
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Signature	/sch/
Date	11/04/2015
Attachments	2015-11-04 92062420 PGI Motion to Suspend Proceedings.pdf(84568 bytes ) Exhibit A - Complaint.pdf(3617079 bytes ) Exhibit B Answer and Counterclaims.pdf(42699 bytes ) Exhibit C Answer to Counterclaims.pdf(1637538 bytes )

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

In Re Registration No. 1,175,550  
Mark: Design only  
Issued: October 27, 1981

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3M Company,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92062420
	)	
PGI Polymer, Inc.,	)	
	)	
Respondent.	)	

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**MOTION TO SUSPEND**

Respondent PGI Polymer, Inc. (“Respondent”) respectfully moves for a suspension of the captioned cancellation proceedings pending the outcome of the first-filed U.S. District Court Case No. 3:15-cv-00212-FDW-DSC.

On May 8, 2015, long prior to instigation of this Cancellation on October 9, 2015, Respondent filed a Civil Action in the United States District Court for the Western District of North Carolina involving claims of trademark infringement and unfair competition concerning Respondent’s U.S. Trademark Registration No. 1,175,550 (the “Wavy Lines Design” or “’550 Registration”) against Petitioner and Target Corporation (the “WDNC Action”). Petitioner has asserted Counterclaims in the WDNC Action against Respondent for cancellation of the ‘550 Registration on the grounds of genericness and abandonment. The WDNC Action involves identical parties and common issues and thus has direct bearing on the instant cancellation proceeding.

Respondent thus submits that it is in the interest of judicial efficiency and economy to suspend this cancellation proceeding in favor of resolution of the first-filed WDNC Action. *See* 37 CFR § 2.117; TMBP § 510.02 (“Whenever it comes to the attention of the Board that a party or parties to a case pending before it are involved in a civil action which may have bearing on the Board case, proceedings before the Board may be suspended until final termination of the civil action”).

In support of this motion, Respondent has attached the operative pleadings filed in the WDNC Action as Exhibits A-C hereto.

WHEREFORE, Respondent, PGI Polymer, Inc. respectfully requests that this proceeding be suspended pending the outcome of U.S. District Court Case No. 3:15-cv-00212-FDW-DSC.

**CERTIFICATION OF COMPLIANCE WITH 37 C.F.R. § 2.120(e)**

The undersigned counsel for Respondent HEREBY CERTIFIES that Respondent has made a good faith effort to resolve the issues presented in this motion, including email correspondence with opposing counsel. Opposing counsel indicated by reply email on November 3, 2015 that they would not consent to a motion to suspend, but would not file any opposition to the motion.

Dated: November 4, 2015

Respectfully Submitted,

/s/ Sarah Hsia

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*Attorneys for Respondent  
PGI Polymer, Inc.*

**Certificate of Service**

Pursuant to C.R.F. §2.111, I hereby certify that a true and correct copy of the foregoing *Motion to Suspend* was served on Petitioner by placing a copy in U.S. Mail, postage prepaid, this 4<sup>th</sup> day of November, 2015, and addressed to the following:

William G. Barber  
Pirkey Barber PLLC  
600 Congress Avenue, Suite 2120  
Austin, TX 78701  
*Attorneys for Petitioner*

/s/ Neal Hayes

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An Attorney for Respondent

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

_____	)	
POLYMER GROUP, INC., and	)	
PGI POLYMER, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 3:15-cv-212
	)	
3M COMPANY and	)	
TARGET CORPORATION,	)	
	)	
Defendants.	)	
_____	)	

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**COMPLAINT**

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Plaintiffs Polymer Group, Inc. (“Polymer Group”), and PGI Polymer, Inc. (“PGI Polymer”), for their Complaint against Defendants 3M Company (“3M”) and Target Corporation (“Target”), pursuant to Rules 7 and 8, Federal Rules of Civil Procedure, allege as follows:

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**Nature of the Action**

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1. This Complaint is an action for trademark infringement and unfair competition under the Lanham Act, 15 U.S.C. §§ 1114 and 1125, for violation of the North Carolina Unfair & Deceptive Trade Practices Act, N.C.G.S. § 75-1.1, and for unfair competition and trademark infringement under applicable state law.

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**Parties**

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2. Plaintiff Polymer Group is a Delaware corporation with a principal place of business at 9335 Harris Corners Parkway, Suite 300, Charlotte, NC 28269-3818.

3. Plaintiff PGI Polymer is a Delaware corporation with a principal place of business at 9335 Harris Corners Parkway, Suite 300, Charlotte, NC 28269-3818.

4. Plaintiff PGI is a wholly owned subsidiary of Plaintiff Polymer Group.

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