

ESTTA Tracking number: **ESTTA801986**

Filing date: **02/16/2017**

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

Proceeding	92064206
Party	Defendant JDA Technology, LLC
Correspondence Address	CHARLES T RIGGS JR LAW OFFICES OF CHARLES T RIGGS JR 551 FOREST AVE RIVER FOREST, IL 60305 UNITED STATES riggs@riggs.pro
Submission	Motion to Suspend for Civil Action
Filer's Name	Charles T. Riggs Jr.
Filer's e-mail	riggs@riggs.pro
Signature	/Charles T. Riggs Jr./
Date	02/16/2017
Attachments	Motion to Suspend with exhibit.pdf(2442631 bytes)

In the matter of Registration No. 4823007
For the Mark: SONIC VORTEX and design
Date of Issue: September 29, 2015

Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Pursuant to TBMP 510 and 37 CFR §2.117(a), Registrant hereby respectfully moves the Board to suspend this cancellation proceeding in view of pending litigation between the parties in the United States District Court for the Northern District of Illinois, Eastern Division, Case No. 17-861, alleging, *inter alia*, Federal Trademark Infringement of the Sonic Vortex Mark (Count II). A copy of the Complaint from said litigation is attached hereto as Exhibit 1.

In support of this Motion, Registrant respectfully informs the Board that the parties hereto are engaged in a civil action which may have a bearing on this case. As such, proceedings before the Board may be suspended until final determination of the civil action. *See General Motors Corp. v. Cadillac Club Fashions Inc.*, 22 USPQ2d 1933, 1936-37 (TTAB 1992); *Toro Co. v. Hardigg Industries, Inc.*, 187 USPQ 689, 692 (TTAB 1975), *rev'd on other grounds*, 549 F.2d 785, 193

USPQ 149 (CCPA 1977); *Other Telephone Co. v. Connecticut National Telephone Co.*, 181 USPQ 125, 126-27 (TTAB 1974); *petition denied*, 181 USPQ 779 (Comm'r 1974); *Tokaido v. Honda Associates Inc.*, 179 USPQ 861, 862 (TTAB 1973); *Whopper-Burger, Inc. v. Burger King Corp.*, 171 USPQ 805, 806-07 (TTAB 1971).

Accordingly, good cause is hereby shown for suspension of this cancellation proceeding, consistent with the Board's policy to suspend in favor of a civil action.¹ This request is being made in good faith and not for any dilatory purpose.

Date: February 16, 2017

Respectfully submitted,

By: s/Charles T. Riggs Jr./
Attorney for Registrant

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¹ If for some reason this Motion is not granted, Applicant respectfully requests that all scheduled dates be reset, including the date for Applicant to file its Answer to the Petition for cancellation.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing REGISTRANT'S MOTION TO SUSPEND has been served on Petitioner's Attorney of Record and Correspondent as listed on the TTAB website of the United States Patent and Trademark Office by email, on February 16, 2017 to:

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EXHIBIT 1

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