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Filing date: **02/14/2019**

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

| | |
|------------------------|--|
| Proceeding | 92070035 |
| Party | Plaintiff Smooch Labs Inc. |
| Correspondence Address | JOHN L STRAND WOLF GREENFIELD & SACKS PC 600 ATLANTIC AVE BOSTON, MA 02210 UNITED STATES jlstrademarks@wolfgreenfield.com, sgstrademarks@wolfgreenfield.com 617-646-8000 |
| Submission | Other Motions/Papers |
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| Signature | /Stephanie G. Stella/ |
| Date | 02/14/2019 |
| Attachments | S1923.50001US00 - Consent Motion to Suspend Proceeding.pdf(2199169 bytes) |

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

Respondent: Match Group, LLC
Registration No.: 4,465,926
Issued: January 14, 2014
Mark: SWIPE

| | | |
|-------------------|---|---------------------------|
| Smooch Labs Inc., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Cancellation No. 92070035 |
| |) | |
| Match Group, LLC, |) | |
| |) | |
| Respondent. |) | |
| |) | |

CONSENT MOTION TO SUSPEND PROCEEDING

Pursuant to 37 C.F.R. § 2.117(a) and TBMP § 510.02(a), Petitioner Smooch Labs Inc. (“Petitioner”), through its undersigned counsel, hereby moves for an Order suspending Cancellation No. 92070035 (the “Cancellation”) pending resolution of a related civil action. Said action (1) was filed on March 16, 2018 in U.S. District Court for the Western District of Texas by Respondent Match Group, LLC (“Respondent”), owner of U.S. Registration No. 4465926 for the mark SWIPE (“Respondent’s Registration”), which mark is the subject of the Cancellation proceeding, (2) alleges, *inter alia*, infringement of Respondent’s mark by third-party defendant Bumble Trading Inc. (“Bumble”), and (3) includes a counterclaim by Bumble for cancellation of Respondent’s Registration on the ground that Respondent’s mark is allegedly generic or descriptive of Respondent’s goods. Petitioner attaches hereto copies of the Amended

Complaint (see Exhibit A, at 39) and Bumble's Answer and Counterclaim (see Exhibit B, at 22-37) filed in Respondent's civil action.

Because Respondent's Registration has been challenged by Bumble in the district court proceeding, and Opposer has expressed intention to vigorously defend this third party challenge, the outcome of said proceeding may directly bear on the outcome of the Cancellation.

Accordingly, Petitioner submits that good cause exists for suspension of the Cancellation proceeding pending resolution of the civil action.

During a January 14, 2019 telephone conference, Respondent, through its counsel Jeremy S. Boczko, consented to this motion.

For the foregoing reasons, Petitioner respectfully requests that the Board grant its motion and suspend the Cancellation proceeding pending resolution of Respondent's district court action.

Respectfully submitted,



Date: February 14, 2019

By _____
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **CONSENT MOTION TO SUSPEND PROCEEDING** was served on counsel for Petitioner, this 14th day of February, by sending same via electronic service to:

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Attorney Docket No.: S1923.50001US00

EXHIBIT A

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