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

Proceeding	76697131
Applicant	RAM PRODUCTS, INC.
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Submission	Applicant's Motion to Suspend
Attachments	RAM motion to suspend appeal 9-10-10.pdf ( 3 pages )(59904 bytes )
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Date	09/17/2010

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

In re Trademark Application of:  
RAM PRODUCTS, INC.

Mark: RAM PRODUCTS, INC.

Ser.. No.: 76697131

Filed: April 29, 2009

Filed through ESTTA

Law Office 113

Examiner Khanh M. Le

September 10, 2010

**MOTION FOR SUSPENSION OF PROCEEDINGS**

Applicant, Ram Products, Inc. ("Applicant"), hereby moves the honorable board for a suspension of proceedings pending the anticipated cancellation of prior Registration No. 2863386, pursuant to 37 CFR § 2.117(d) and TBMP § 1213(3). This motion to suspend proceedings is made out of precaution, so as not to prejudice Applicant's right to file and take testimony.

TBMP § 1213(3) states:

Prior to the issuance of the Board's decision in an ex parte appeal, proceedings with respect to the appeal may be suspended by the Board upon written request by applicant showing good cause for the requested suspension. Examples of situations in which the Board may suspend proceedings in an appeal, at the request of the applicant, are listed below:

(3) A registration cited as a reference, under Section 2(d) of the Act, 15 U.S.C. § 1052(d), against applicant's mark is due, or will soon be due, for an affidavit of continued use (or excusable nonuse) under Section 8 or 71 of the Act, 15 U.S.C. §§ 1058 or 1141k,225 or for an application for renewal under Section 9 or 70 of the Act, 15 U.S.C. §§ 1059 or 1141k.226 The Board may suspend pending determination of whether the registration will continue in

existence or will, instead, be cancelled or expire. If an applicant requests suspension based on the possibility that the cited registration may be cancelled for failure to file an affidavit of continued use, the Board will grant such request if the Board acts on the request after the 5th anniversary of the issue date of the registration. If an applicant requests suspension based on the possibility that the cited registration will expire for failure to renew it, the Board will grant such request if the Board acts on the request after the 9th anniversary of the issue date for ten-year term registrations (registrations that issued or were renewed on or after November 16, 1989), or after the 19th anniversary of the issue date for twenty-year registrations (registrations that issued prior to November 16, 1989 and which have not yet been renewed).

Prior Registration No. 2863386 issued on July 13, 2004. Therefore, the prior registrant's Section 8 Affidavit of Continued Use was due on or before July 13, 2010. According to USPTO records, no Section 8 Affidavit has been filed. Upon information and belief, the prior registrant has abandoned its mark and does not intend to file a Section 8 Affidavit.

Accordingly, Applicant moves herein for a suspension of proceedings pending the Board's ruling on Applicant's motion for summary judgment.

WHEREFORE, Applicant respectfully requests that its motion be granted.

Respectfully Submitted,

**EZRA SUTTON P.A.**

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Dated: September 17, 2010