

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: April 25, 2015

In re Fashion Box S.P.A.

Serial No. 79096002

Filed: 12/16/2010

**Denise M. DelGizzi,  
Chief Clerk of the Board:**

Upon further review of the record of the instant appeal and the disposition of the civil action issued in the United States District Court Northern District of California – San Francisco Division, Case No. 3:11-cv-05629 involving Applicant and The Wet Seal, Inc., the Board's order dated June 27, 2014, is vacated and substituted with the following.

Applicant's motion (filed June 20, 2014) to suspend action in the appeal pending the disposition of the ex parte appeal in application Serial No. 86051465 is granted. Trademark Rule 2.117(a) provides the following:

Whenever it shall come to the attention of the Trademark Trial and Appeal Board that parties to a pending case are engaged in another Board proceeding which may have a bearing on the case, proceedings before the Board may be suspended until determination of the other Board proceeding.

Suspension of a Board proceeding pending the final determination of another Board proceeding is solely within the discretion of the Board and is generally suitable when a ruling on the other proceeding will have a bearing on the issues before the Board. *See The Tamarkin Co. v. Seaway Food Town Inc.*, 34 USPQ2d

Exparte Appeal No. 79096002

1587, 1592 (TTAB 1995); *Martin Beverage Co., Inc. v. Colita Beverage Corp.*, 169 USPQ 568 (TTAB 1971).

Accordingly, proceedings herein are suspended pending the disposition of the ex parte appeal in Serial No. 86051465. Within twenty days thereafter, the interested party should notify the Board so that this case may be called up for appropriate action.

During the suspension period, applicant shall notify the Board of any address changes.

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