

ESTTA Tracking number: **ESTTA671835**

Filing date: **05/12/2015**

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

Proceeding	79145735
Applicant	Boehringer Ingelheim International GmbH
Applied for Mark	RE-DUAL PCI
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Submission	Applicant's Motion to Suspend
Attachments	T.3974-640 - Motion to Suspend (01753506).PDF(85081 bytes)
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Signature	/MJB/
Date	05/12/2015

“The Board may suspend the appeal pending determination of whether a 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 requests after the 5th anniversary of the issue date of the registration.”

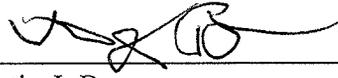
In this case, the cited registration issued on October 14, 2008 and, therefore, an affidavit of continued use (or excusable nonuse), was required to be filed by Glaxo Group Limited between October 14, 2013 and October 14, 2014 (and as late as April 14, 2015 during the statutory grace period). Since the fifth anniversary of the issue date of the cited registration was October 14, 2013, Applicant submits that all of the requirements for suspension set forth in TBMP § 1213 are present.

In view of the above, Applicant respectfully requests that the Board suspend the appeal until the cited registration is officially cancelled.

Thereafter, Applicant’s appeal will be rendered moot and it will not be necessary to proceed with the appeal. With the objective of not taxing the resources of either Applicant or the Board, Applicant submits that good cause has been shown for suspending the proceedings in this *ex parte* appeal. Furthermore, as this is an *ex parte* appeal, no other party will be prejudiced by the requested suspension.

Dated: May 12, 2015
New York, New York

Respectfully submitted,



Martin J. Beran

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