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

Proceeding	86197902
Applicant	PAJ, Inc.
Applied for Mark	CLASSIC TREASURES
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Submission	Applicant's Motion to Suspend
Attachments	T-6140-27 - Motion to Suspend (01772935).pdf(60657 bytes)
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Date	06/25/2015

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

In re: PAJ, Inc. :
Serial No.: 86/197,902 :
Filed: February 19, 2014 :
Trademark: **CLASSIC TREASURES** :
OF Ref: T/6140-27 :

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

MOTION TO SUSPEND

Applicant, by its undersigned attorneys, and in accordance with Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 1213, hereby moves that proceedings in the above *ex parte* appeal be suspended by the Board.

The sole issue to be resolved on Appeal is whether Applicant’s mark CLASSIC TREASURES should be denied registration under Section 2(d) of the Lanham Act on the basis of the mark CLASSIC TREASURES, set forth in Registration No. 1,929,831 (the “cited registration”), owned by Wal-Mart Stores, Inc. (“Wal-Mart”).

Applicant moves for suspension on the ground that the cited registration is due for a Combined Declaration of Use and Application for Renewal /Registration (“Renewal Application”) under Sections 8 and 9 of the Lanham Act, 15 U.S.C. §§ 1058 and 1059, and that there is a possibility that the cited registration may be cancelled for failing to file the required Renewal

Application. TBMP § 1213 specifically contemplates the suspension of an *ex parte* appeal in such circumstances:

“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 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).”

In this case, the cited registration issued on October 24, 1995 and, therefore, a Renewal Application is required to be filed by Wal-Mart between October 24, 2014 and October 24, 2015 (and may be filed as late as April 24, 2016 during the statutory grace period). Since the ninth anniversary of the issue date of the cited registration was October 24, 2014, 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 such time that Wal-Mart submits a Renewal Application or the registration is cancelled due to Wal-Mart’s failure to submit a Renewal Application.

In the event that the cited registration is cancelled for failing to submit a Renewal Application, the Examining Attorney’s final refusal to register Applicant’s mark 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: June 25, 2015
New York, New York

Respectfully submitted,



Max Moskowitz
Sean P. McMahon

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