

ESTTA Tracking number: **ESTTA727084**

Filing date: **02/15/2016**

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

Proceeding	86654742
Applicant	Peterson Capital Trading, LLC
Applied for Mark	KATIE JOÃ#LLE
Correspondence Address	Matthew H. Swyers The Trademark Company 344 MAPLE AVE W PMB 151 VIENNA, VA 22180 UNITED STATES mswyers@thetrademarkcompany.com
Submission	Applicant's Motion to Suspend
Attachments	Motion to Suspend.pdf(148881 bytes)
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@TheTrademarkCompany.com
Signature	/Matthew H. Swyers/
Date	02/15/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Peterson Capital Trading, LLC

Serial No. 86654742

Trademark: KATIE JOËLLE

Filing Date: Jun. 08, 2015

MOTION TO SUSPEND APPEAL

COMES NOW the Applicant Peterson Capital Trading, LLC (hereinafter “Applicant”), by and through counsel The Trademark Company, and pursuant to TBMP § 1213 respectfully moves the Trademark Trial and Appeal Board (hereinafter “Board”) for an order suspending the instant appeal for an period of six months for good cause shown.

By way of history, Applicant’s trademark has been refused due to a Section 2(d) refusal citing U.S. Registration No. 3759750 for the trademark JOELLE. Based upon information and belief it is believed that the cited registration is no longer in use and will, upon the expiration of its renewal period, cancel in due course.

U.S. Registration No. 3759750 issued on March 16, 2010. As such, the end of its six-year renewal term expires on March 16, 2016, roughly one month from today. Of course, registrant then has until the end of the grace period, namely September 16, 2016, to complete the renewal. However, as stated before, it is Applicant’s belief that this will not occur.

TBMP § 1213 permits an appeal to be suspended upon a showing of good cause when the cited registration is due for an affidavit of use to determine whether the registration will remain in effect and a block to Applicant’s efforts to register its trademark prior to hearing arguments against affirming the same.

Applicant is not making this motion to delay the proceedings but in good faith so as to avoid the need for the Office and the Board to devote resources to an appeal which hopefully will, in the next six months, be rendered moot.

Accordingly, pursuant to TBMP § 1213 it is respectfully requested that the Board grant the instant motion and suspend the instant proceeding for six months so that it may be determined whether the blocking registration will maintain its current status or be removed from the federal register for a failure to file the appropriate renewal documents.

WHEREFORE it is respectfully submitted that good cause exists for the instant suspension and the same should be granted.

Respectfully submitted this 15th day of February, 2016

The Trademark Company, PLLC

/Matthew H. Swyers/
Matthew H. Swyers, Esq.
344 Maple Avenue West, PMB 151
Vienna, VA 22180
Telephone (800) 906-8626 x100
Facsimile (270) 477-4574
mswyers@TheTrademarkCompany.com
Counsel for Applicant