UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Date: November 14, 2002

Opposition No. 113,487

MICHAEL GLOSTER AND
VICTORIA GLOSTER T/A
GLOSTER MARKETING

v.

RELIOS, INC.

Cindy B. Greenbaum, Interlocutory Attorney:

This case now comes up on opposer's motion, filed September 16, 2002, and re-filed October 23, 2002, to suspend this opposition proceeding pending the final determination of a civil action between the parties in the United States District Court for the Eastern District of Pennsylvania.[1] Opposer submitted a copy of the complaint in the civil action. The parties have fully briefed the issues, and the Board has exercised its discretion and has considered opposer's reply brief. See Trademark Rule 2.127(a).

It is the policy of the Board to suspend proceedings when the parties are involved in a civil action which may be

[1] Civil Action No. 02-CV-7140, styled *Michael Gloster and Victoria Gloster t/a Gloster Marketing v. Relios, Inc.,* filed on or about Setpember 4, 2002.

dispositive of, or have a bearing on, the Board case.[2] See Trademark Rule 2.117(a). A review of the complaint in the civil case indicates that a decision by the district court could be dispositive of, or have a bearing on, the issues in this opposition proceeding. Accordingly, this proceeding is suspended pending final disposition of the civil action between the parties.

Within twenty days after the final determination of the civil action, the interested party should notify the Board so that this case may be called up for appropriate action, including disposition of applicant's fully briefed motion to compel. During the suspension period the Board should be notified of any address changes for the parties or their attorneys.[3]

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[2] Moreover, to the extent that a civil action in a Federal district court involves issues in common with those in a Board proceeding, the district court decision would be binding on the Board, whereas the Board decision is merely advisory to the district court. *See American Bakeries Co. v. Pan-O-Gold Baking Co.,* 2 USPQ2d 1208 (D.C. Minn. 1986). Further, Board decisions are appealable to the district court. *See* Section 21 of the Trademark Act, and *Goya Foods, Inc. v. Tropicana Products Inc.,* 846 F.2d 848, 6 USPQ2d 1950, at 1953 (2d Cir. 1988).

[3] The Board accepts and acknowledges opposer's revocation of the former power of attorney, filed October 24, 2002. The Board has updated its records to reflect the name and correspondence address of opposer's new counsel at the law firm of Stein & Silverman, PC.