

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

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Mailed: January 24, 2003

Opposition No. 152,521

LBSG, LLC

v.

LB Gardens, Inc.

Albert Zervas, Interlocutory Attorney

The motion (filed September 30, 2002) to suspend the proceeding pending final determination of a civil action between the parties is hereby granted as well taken.¹ It is the policy of the Board to suspend proceedings when the parties are involved in a civil action which may be dispositive of or have a bearing on the Board case. See Trademark Rule 2.117(a).

¹ The Board notes that applicant has not included proof of service of its motion, and the opposer has not included proof of service of its response, on the attorney of record for the opposing party. [Opposer's use of a "cc" notation in its cover letter is not in accordance with Trademark Rule 2.119(a). Prima facie proof of service consists of a signed, dated statement attesting to the following matters: (1) the nature of the paper being served, (2) the method of service (e.g., first class mail), (3) the person being served and the address used to effect service, and (4) the date of service.] Because opposer filed a timely response to the motion, the Board has considered applicant's motion. Strict compliance with Trademark Rules 2.119(a) and (b) is required in all further papers filed by the parties.

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Accordingly, proceedings are 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. During the suspension period the Board should be notified of any address changes for the parties or their attorneys.