

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: September 5, 2006

Opposition No. 91167514

Vantage Technologies
Assessment, L.L.C.

v.

Intelius Inc.

Linda Skoro, Interlocutory Attorney

This case now comes up on applicant's motion for judgment on the pleadings in light of the cancellation of U.S. Reg. No. 1908265 owned by Vantage Technology Holdings LLC. Opposer has responded indicating that the cancellation of the above-identified registration does not control the outcome of this proceeding, in that opposer has relied upon its own common law rights for use of the mark for goods and services not covered by the registration. Further, that the parties are currently involved in a civil action involving this mark in the Eastern District of Pennsylvania.

A review of the notice of opposition reveals that opposer did in fact assert common law rights in the mark, contrary to applicant's argument. Thus, because the cancellation of the above-identified third-party

registration is not dispositive of this matter, applicant's motion for judgment on the pleadings is hereby denied.

In light of the fact that the parties are involved in District Court litigation involving issues between the parties herein, this proceeding is hereby suspended pending a final determination by the District Court. 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).

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.

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