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Filing date: **07/15/2010**

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

Proceeding	91187908
Party	Plaintiff Oklahoma State University
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Date	07/15/2010
Attachments	2010.07.15 Oklahoma State - Motion to Suspend.pdf (3 pages)(20578 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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OKLAHOMA STATE UNIVERSITY,)	
)	
)	
)	
Opposer,)	
v.)	In the matter of Application
)	Serial No. 77/383,001
)	for the mark COWBOYADE
)	
SUPER BAKERY, INC.,)	Opposition No. 91187908
)	
)	
Applicant.)	

OPPOSER’S UNOPPOSED MOTION TO SUSPEND PROCEEDING

Pursuant to 37 C.F.R. § 2.117(c) and TBMP § 510.02(a), Opposer Oklahoma State University (“Oklahoma State” or “Opposer”) moves to suspend the above-referenced proceeding pending the Board’s final disposition of *Dallas Cowboys Football Club, Ltd. and NFL Properties LLC v. Super Bakery, Inc.*, Opposition No. 91187877 (Parent Opposition No. 91187874) (TM: COWBOYADE) (the “NFL Proceeding”).

Under Trademark Rule 2.117(c), the Board may, in its discretion, suspend proceedings pending the resolution of a related case, “[w]henever it shall come to the attention of the [Board] that a party or parties to a pending case are engaged in . . . another Board proceeding which may have a bearing on the case.” As the wording of this Rule plainly states, the “related proceeding” need not involve the same parties in order for suspension to be granted. Indeed, in *Argo & Co. v. Carpetsheen Manufacturing, Inc.*, the Board granted a motion to suspend opposition proceedings despite the fact that opposer was not involved in a related state litigation. 187 U.S.P.Q. 366, 367 (T.T.A.B. 1975); *see also* TBMP § 510.02(a).

The Dallas Cowboys Football Club, Ltd. and NFL Properties LLC (the Dallas Cowboys Football Club, Ltd. and NFL Properties LLC are collectively referred to as the “NFL”) have filed an opposition (Opposition No. 91187877; Parent Opposition No. 91187874) against Applicant Super Bakery, Inc.’s (“Applicant”) application to register the COWBOYADE mark (Serial No. 77/383,001), the same application that is the subject of this proceeding. While the disposition of the NFL Proceeding is not necessarily determinative of the issues in this opposition, it could have a bearing on the parties’ claims and defenses in the current opposition. *See Argo & Co., Inc.*, 187 U.S.P.Q. at 367 (state court proceeding found to have a bearing on the issues involved in the opposition where the determination of the state action could potentially result in the applicant’s right to file the application being declared *void ab initio*). Accordingly, Oklahoma State submits this unopposed motion to suspend the instant action pending the final disposition of the NFL Proceeding.

Counsel for Applicant, David Oberdick, advised that Applicant does not oppose this motion via telephone conference with counsel for Opposer, Alicia Grahn Jones, on July 14, 2010.

This 15th day of July, 2010.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Opposer's Unopposed Motion to Suspend Proceeding** has been served on counsel for Applicant by mailing a copy on July 15, 2010, via first-class mail, postage pre-paid, and addressed as follows:

David G. Oberdick, Esq.
Meyer, Unkovic & Scott LLP
535 Smithfield Street, Suite 1300
Pittsburgh, PA 15222



Sabina A. Vayner
Attorney for Opposer

CERTIFICATE OF TRANSMITTAL

I hereby certify that a true copy of the foregoing **Opposer's Unopposed Motion to Suspend Proceeding** is being filed electronically with the TTAB via ESTTA on this day, July 15, 2010.



Sabina A. Vayner
Attorney for Opposer