

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

Mailed: June 22, 2010

Opposition No. 91192739

Nordstrom, Inc., and NIHC,  
Inc.

v.

Blue Athletic Inc.

**M. Catherine Faint,  
Interlocutory Attorney:**

On June 21, 2010 the Board held a telephone conference involving William O. Ferron, Jr., counsel for Nordstrom, Inc., and NIHC, Inc., Tracy Uhrin, counsel for Blue Athletic Inc., and Interlocutory attorney Catherine Faint, Board attorney responsible for resolving interlocutory matters in this case.

Applicant's counsel filed, on April 26, 2010, a motion to suspend the proceeding pending final determination of a civil action between the parties. When such a motion is filed, and is not consented, the Board normally requires a copy of the pleadings from the civil action be submitted. See *Forest Laboratories Inc. v. G.D. Searle & Co.*, 52 USPQ2d 1058 (TTAB 1999) and *SCOA Industries Inc. v. Kennedy*

*& Cohen, Inc.*, 188 USPQ 411 (TTAB 1975), *appeal dismissed*, 189 USPQ 15 (CCPA 1976); *see also*, TBMP § 510.02(a) (2d ed. rev. 2004). The pleadings were not submitted with the motion to suspend.

Opposer filed a response in opposition to the motion and included a copy of its motion to dismiss the district court petition, filed in the United States District Court for the District of New Hampshire, Case 1:10-cv-00036-SM on April 30, 2010. During the telephone conference the parties confirmed that the motion was fully-briefed, but still pending before the District Court.

Accordingly, the motion to suspend the proceeding is hereby granted. See Trademark Rule 2.117(a).

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,, or if the District Court should grant the motion to dismiss, the parties are instructed to notify the Board, either by filing a motion to resume, or to contact the Interlocutory Attorney via telephone in conference with both parties so that the Board may set this proceeding for appropriate action.

During the suspension period, the parties shall notify the Board of any address changes for the parties or their attorneys.

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