

ESTTA Tracking number: **ESTTA395057**

Filing date: **02/24/2011**

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

Proceeding.	91197430
Applicant	Plaintiff Hyperkin, Inc.
Other Party	Defendant Innex, Inc.

Motion for Suspension in View of Civil Proceeding With Consent

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Hyperkin, Inc. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Hyperkin, Inc. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Hyperkin, Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,
/Audrey Khoo/
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02/24/2011

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

HYPERKIN, INC.,

Opposer,

vs.

INNEX, INC.,

Applicant.

Mark: RETROLINK

Serial No.: 77/946,248

Filed: February 26, 2010

Published: July 20, 2010

Opposition No.: 91197430

STIPULATION TO SUSPEND PROCEEDING

Hyperkin, Inc. (“Hyperkin”) and Innex, Inc. (“Innex”) hereby stipulate and agree as follows:

WHEREAS, Hyperkin and Innex are parties to the civil action *Innex, Inc. v. Hyperkin, Inc.* pending in the United States District Court, Central District of California, Case No. CV10–5449-RGK (VBKx) (“Civil Action”);

WHEREAS, the instant opposition proceeding and the Civil Action involve common questions of law and fact;

WHEREAS, good cause exists to suspend the instant opposition proceeding as the parties anticipate the Civil Action may dispose of issues pending before the Board through trial, settlement, or other means;

WHEREAS, good cause exists to suspend the instant opposition proceeding as any final determination in the Civil Action may have bearing on the proceeding now before the Board;

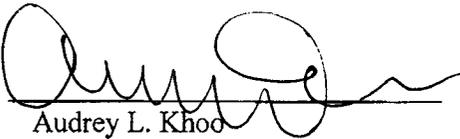
WHEREAS, good cause exists to suspend the instant opposition proceeding as a Court decision in the Civil Action may be binding upon the Board;

ACCORDINGLY, Hyperkin and Innex hereby stipulate to suspend Opposition No. 91197430, pending the outcome of the Civil Action.

This Stipulation is being filed electronically pursuant to the ESTTA system.

Dated: February 22, 2011

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By: 

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Attorneys for Opposer,
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Dated: February 22, 2011

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Attorneys for Applicant,
Innex, Inc.

ORDER

Pursuant to the parties' stipulation, the Trademark Trial and Appeal Board hereby orders that Opposition No. 91197430 (filed November 17, 2010) be suspended, pending the outcome of *Innex, Inc. v. Hyperkin, Inc.* (CACD Case No. CV10-5449-RGK (VBKx)).

Dated: _____, 2011

TRADEMARK TRIAL AND
APPEAL BOARD

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing STIPULATION TO SUSPEND PROCEEDINGS was served on Petitioner's counsel this 24th day of February, 2011, by depositing the same with the U.S. Postal Service, first-class postage prepaid, addressed as follows:

Sandy T. Wu
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600 S. Lake Ave., Ste. 303
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/s/ Audrey L. Khoo