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Filing date: **04/14/2011**

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

Proceeding	91198852
Party	Plaintiff Erica Chriswell
Correspondence Address	EVAN ANDERSON PATEL AND ALUMIT PC 16830 VENTURA BOULEVARD, SUITE 360 ENCINO, CA 91436 UNITED STATES
Submission	Opposition/Response to Motion
Filer's Name	Evan Anderson, Esq.
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Signature	/evananderson/
Date	04/14/2011
Attachments	Erica Criswell.pdf (3 pages)(75686 bytes)

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

ERICA CHRISWELL,)	
)	
Opposer,)	Opposition No. 91198852
)	Serial No. 77/751,586
v.)	Mark: ARIKA KANE
)	Filing Date: June 3, 2009
BIG SCORE ENTERTAINMENT, LLC, dba)	
BSE RECORDINGS)	
)	
Applicant.)	
)	
)	
)	
)	

**OPPOSER’S RESPONSE TO APPLICANT’S MOTION TO SUSPEND THE
PROCEEDINGS PENDING CIVIL LITIGATION**

Opposer, Eryka Kane, hereby requests that the Trademark Trial and Appeal Board (the “T.T.A.B.” or the “Board”) deny the Applicant’s request for the suspension of the proceedings, due to the fact that the documentary evidence submitted by the Applicant does not verify or substantiate the existence of a live litigation in the District of Connecticut.

ARGUMENT

Applicant did not submit the necessary evidence to substantiate that there is a live civil litigation between the Applicant, Big Score Entertainment, and the Opposer, Eryka Kane.

Where a party to a case pending before the Board is also involved in a civil action that may have a bearing on the T.T.A.B. matter, the Board may suspend the proceeding until the final determination of the civil action.

While the T.T.A.B. will in certain circumstances may grant such suspension requests, such a motion should only be granted if the moving party can actually verify the fact that there is a live ongoing civil litigation. In demonstrating the existence of a controversy, a party should show proof of service at least to substantiate such a claim. In the present case, the motion filed by Applicant does not prove litigation is before the court. If such litigation is before the court, Opposer has not received notice of such litigation. All that has been submitted by the Applicant is an unsigned complaint motion that has no proof of service accompanying it. Such documentary evidence is inadequate and does not prove that there is an ongoing civil litigation between the Opposer, Erica Chriswell and the Applicant, Big Score Entertainment.

Based on the foregoing, Opposer Erica Chriswell, prays that the Trial and Appeal Board move forth with the TTAB proceeding as scheduled and deny applicants motion to suspend based on the litigation Applicant alleges is in existence.

Dated as of: April 14, 2011

By: /evananderson/

Evan Anderson
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16830 Ventura Blvd., Suite 360
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Attorney for Applicant,
Erica Chriswell

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO SUSPEND THE PROCEEDING PENDING CIVIL ACTION** has been served on Brian Roche, counsel for Applicant, on April 14, 2011, via First Class U.S. Mail, postage prepaid to:

Brian C. Roche
Roche Pia LLC
Two Corporate Drive
Suite 248
Shelton, CT 06484

A handwritten signature in cursive script, appearing to read "Jessica S.", written over a horizontal line.

Jessica Scoma