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

Proceeding	91201830
Party	Defendant Afterburner, Inc.
Correspondence Address	MICHAEL C MASON THE LAW OFFICE OF MICHAEL C MASON 1960 ROSECLIFF DRIVE NE ATLANTA, GA 30329-2756 UNITED STATES mmtmlaw@gmail.com
Submission	Response to Board Order/Inquiry
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Date	07/13/2016
Attachments	Suspension Response.pdf(289549 bytes)

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

The Corps Group,

Opposer,

vs.

Afterburner, Inc.,

Applicant.

Opposition No: 91201830

Serial No.: 85/094,889

Mark: Miscellaneous Design
(Pilot Flight Suit)

NOTICE OF FINAL DISPOSITION OF STATE COURT LITIGATION

Pursuant to the Board's June 9, 2016 notice, Applicant Afterburner hereby notifies the Board that the civil action, *Afterburner v. The Corps Group, John Borneman, Carey Lohrenz, Kyle Howlin and John Underhill*, Civil Action No. 09-CV-2844, is no longer pending in the Superior Court of Forsyth County, State of Georgia. A jury verdict on the merits was rendered in favor of Applicant and subsequently reversed on appeal by Opposer. Applicant sought certiorari for review of that decision by the Georgia Supreme Court and was denied.

Applicant takes great issue with Opposer's assertion that the registrability of Applicant's mark in this case has been decided. Rather than filing the appropriate motion, Opposer apparently wants to argue claim preclusion in a notice to the Board regarding the status of its litigation in state court. Not only is this action by Opposer improper, but the assertion itself is groundless as the state court's determination regarding infringement does not prevent the Board's determination on whether Applicant is entitled to federally register its mark.

Applicant is prepared to address any of Opposer's arguments and claims once this proceeding has been called up for appropriate action by the Board. Accordingly, Applicant requests that the proceeding be resumed and appropriate trial dates be reset by the Board.

This 13th day of July, 2016.

Respectfully submitted,

By: /s/ Michael C. Mason
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AFTERBURNER, INC.

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CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First-class mail addressed to:

J. Kevin Fee
Jordana S. Rubel
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004

This 13th day of July, 2016.

/s/ Michael C. Mason
Michael C. Mason