

ESTTA Tracking number: **ESTTA488550**

Filing date: **08/10/2012**

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

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| Proceeding. | 91205448 |
| Applicant | Defendant West Marine Products, Inc. |
| Other Party | Plaintiff Watercraft Superstore, 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, West Marine Products, Inc. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

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

West Marine Products, 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,
/cek/

Candice E. Kim
kimce@gtlaw.com, latm2@gtlaw.com
ZacharyM@jpfirm.com
08/10/2012

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

WATERCRAFT SUPERSTORE, INC., a Florida corporation,)
)

Opposer,)

vs.)

WEST MARINE PRODUCTS, INC., a California corporation,)
)

Applicant.)

Opposition No. 91-205,448

STIPULATED MOTION TO SUSPEND PROCEEDINGS

Pursuant to 37 C.F.R § 2.117(a) and Section 510.02(a) of the Trademark Trial and Appeal Board (the “Board”) Manual of Procedure (“TBMP”), Opposer Watercraft Superstore, Inc. (the “Opposer”) and Applicant West Marine Products, Inc. (the “Applicant”)(collectively, the “Parties”), hereby stipulate to suspend Opposition Proceeding No. 91-205,448, pending the outcome of another proceeding.

The Parties to this proceeding are involved in a civil action, West Marine, Inc. v. Watercraft Superstore, Inc., et. al., Civil Action No. 5:11-CV-04459-HRL (the “Civil Action”), which is currently pending in the U.S. District Court for the Northern District of California, San Jose Division.¹ The Civil Action involves issues in common with those in the above-captioned Opposition before the Board, including, among other things, issues concerning the ownership of the BLACKTIP trademark and the alleged infringement thereof.

Applicant previously filed its Motion to Suspend Proceedings on August 1, 2012. The Parties have since agreed to suspend these proceedings pending the outcome of the Civil Action and hereby submits this Stipulated Motion to Suspend Proceedings. This Stipulated Motion to Suspend Proceedings has been agreed to by counsel for Opposer, Zachary Messa, Esq., whose consent is of record.

¹ A copy of this Complaint and Answer and Counterclaims is attached to Applicant’s Motion to Suspend Proceedings, filed on August 1, 2012.

Accordingly, the Parties respectfully request that the Board suspend Opposition Proceeding No. 91-205,448 pending the outcome of the Civil Action.

Respectfully submitted,

GREENBERG TRAURIG, LLP

Dated: August 10, 2012

By: 

Susan L. Heller
Candice E. Kim
1840 Century Park East, Suite 1900
Los Angeles, California 90067
Tel: (310) 586-6568
Fax: (310) 586-0568
hellers@gtlaw.com
kimce@gtlaw.com

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **STIPULATED MOTION TO SUSPEND PROCEEDINGS** upon Opposer by depositing one copy thereof in the U.S. Mail, First-Class, postage prepaid, on August 10, 2012, addressed as follows:

Zachary D. Messa, Esq.
Johnson, Pope, Bokor, Ruppel & Burns, LLP
911 Chestnut Street
Clearwater, FL 33756

