

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: August 4, 2014

Opposition No. 91210379

Atlas Brewing Company, LLC

v.

Atlas Brew Works LLC

**Robert H. Coggins,  
Interlocutory Attorney:**

On July 18, 2014, opposer filed with the Board a combined petition to the Director and motion to suspend proceedings pending disposition of the petition. By way of its brief in response to the petition (filed July 25, 2014), applicant opposed suspension.

Motion to Suspend

The full extent of opposer's motion to suspend (contained within the petition) is: "Opposer also moves, pursuant to 37 C.F.R. §2.127(d), that the Board suspend this proceeding pending determination of this Petition as of the date of submission" (Petition, p. 1), and "WHEREFORE, Opposer requests that the Director [*sic* Board] suspend the proceedings until the disposition of this Petition ..." (Petition, p. 10). Applicant argues against

suspension, calling the petition “a baseless delay tactic.” Response, unnumbered p. 3.

The mere filing of a petition to the Director will not act as a stay in an *inter partes* proceeding pending before the Board. Trademark Rule 2.146(g). The Board has discretion to determine whether proceedings should be suspended pending determination of a petition to the Director. *See* TBMP § 905 (2014). After consideration of the procedural posture of this case and the nature of the petition, the Board declines to suspend proceedings. In view thereof, the motion to suspend is denied. However, to remove any potential prejudice to opposer that may have resulted from the uncertainty about the question of suspension, the Board resets dates on the schedule below, which contemplates extending the close of opposer’s trial period by the seventeen days that have passed since the filing of the motion to suspend.

Schedule

Opposer’s testimony period is open (having opened July 21, 2014), and dates are reset on the following schedule.

Plaintiff’s Trial Period Ends	9/5/2014
Defendant’s Pretrial Disclosures	9/20/2014
Defendant’s 30-day Trial Period Ends	11/4/2014
Plaintiff’s Rebuttal Disclosures	11/19/2014
Plaintiff’s 15-day Rebuttal Period Ends	12/19/2014

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule

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2.125. Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

Petition to the Director

The Director has been informed of the Petition, which was filed with the Board via ESTTA by opposer. The Director will examine the Petition in due course.