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

Proceeding	91212032
Party	Defendant Champion Window Manufacturing and Supply Co., LLCCo., LLC
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Submission	Motion to Suspend for Civil Action
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Date	08/19/2013
Attachments	Opposition Motion to Suspend.pdf(151011 bytes )

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

In the matter of the Application Serial No. 85824612  
For the mark: CHAMPION WINDOWS SUNROOMS ROOFS HOME EXTERIORS  
Published in the Official Gazette on June 18, 2013

In the matter of the Application Serial No. 85749389  
For the mark: CHAMPION EXTERIOR HOME IMPROVEMENTS CERTIFIED CONTRACTOR  
Published in the Official Gazette on July 16, 2013

In the matter of the Application Serial No. 85720645  
For the mark: CHAMPION WINDOWS SUNROOMS HOME EXTERIORS  
Published in the Official Gazette on June 04, 2013

In the matter of the Application Serial No. 85720613  
For the mark: CHAMPION and design  
Published in the Official Gazette on June 04, 2013

In the matter of the Application Serial No. 85702939  
For the mark: CHAMPION  
Published in the Official Gazette on June 04, 2013

CHAMPION ROOFING, INC.

Opposer,

v.

CHAMPION WINDOW MANUFACTURING  
AND SUPPLY CO., LLC

Applicant.

**OPPOSITION NO. 91212032  
91212034  
91212035  
91212036  
91212038**

**MOTION TO SUSPEND**

Now comes Applicant Champion Window Manufacturing and Supply Co., LLC. (“Champion”) and moves that the within Oppositions be suspended as provided in 37 CFR §2.117 and TBMP Rule 510 for the reasons set forth in the attached Brief in Support.

\_\_\_\_\_/s William S. Wyler/  
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### **Brief in Support**

37CFR §2.117 (a) provides that,

“Whenever it shall come to the attention of the Trademark Trial and Appeal Board that a party or parties to a pending case are engaged in a civil action or another Board proceeding which may have a bearing on the case, proceedings before the Board may be suspended until termination of the civil action or the other Board proceeding.

TBMP Rule 510.02

(a) Whenever it comes to the attention of the Board that a party or parties to a case pending before it are involved in a civil action which may have a bearing on the Board case, proceedings before the Board may be suspended until final determination of the civil action.

Most commonly, a request to suspend pending the outcome of another proceeding seeks suspension because of a civil action pending between the parties in a Federal district court. To the extent that a civil action in a Federal district court involves issues in common with those in a proceeding before the Board, the decision of the Federal district court is often binding upon the Board, while the decision of the Board is not binding upon the court.

The Opposer has, in addition to the Oppositions, filed suit against the Applicant, Champion Manufacturing and Supply Co., LLC (“Champion”); Champion Window Company of Chicago, LLC; and Champion Window Company of Merrillville, LLC. in the United States District Court for the Northern District of Illinois (Case No. 1:13-cv-05478). The case was filed July 31, 2013, before Opposer filed the within Oppositions. The suit claims trademark infringement against the defendants for using the various versions of the same CHAMPION marks for the sale of roofing services and roofing installation services that are the basis of the Oppositions.

