

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: July 2, 2014

Opposition No. 91214117

Islamorada Boatworks LLC

v.

Lake & Bay Boats, LLC

**George C. Pologeorgis,
Interlocutory Attorney:**

By order dated March 3, 2014, the Board, *inter alia*, allowed opposer until March 13, 2014 in which to submit copies of state action complaint filed by opposer in the State of Florida so that the Board may make an independent determination as to whether the final disposition of the state court action may have a bearing on the issues in this opposition proceeding.

On March 13, 2013, opposer filed a motion to extend its time to submit copies of the state action complaint. On March 14, 2014, applicant filed an opposition to the request to extend and included a copy of the state action¹ in its response.

¹ Case No. CACE-13-020957, styled *Islamorada Boatworks, LLC v. Fifth Third Bank*, filed on or about September 18, 2013. The Board notes that applicant filed a motion to intervene in the state court action on March 13, 2014.

Because applicant has supplied a copy of the state action complaint, opposer's motion to extend is deemed moot and will be given no further consideration.

The Board has carefully reviewed the state action complaint and finds that final disposition of the state court action may have a bearing on the issues in this proceeding, particularly since the state court action concerns ownership rights in the subject mark LAKE & BAY.

Accordingly, proceedings are **SUSPENDED** pending final disposition of the state court action. Trademark Rule 2.117(a).

Within twenty days after the final determination of the state court action, the parties shall so notify the Board so that this proceeding may be called up for appropriate action.² Such notification to the Board should include a copy of any final order or final judgment which issued in the state action.

During the suspension period, the parties must notify the Board of any address changes for the parties or their attorneys. In addition, the parties are to promptly inform the Board of any other related cases, even if they become aware of such cases during the suspension period. Upon resumption, if appropriate, the Board may consolidate related Board cases.

² A proceeding is considered to have been finally determined when a decision on the merits of the case (*i.e.*, a dispositive ruling that ends litigation on the merits) has been rendered, and no appeal has been filed therefrom, or all appeals filed have been decided. *See* TBMP § 510.02(b) (2014).