

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

mw/mc

Mailed: April 12, 2016

Opposition No. 91215993

Karma Culture LLC

v.

Karma Champagne, Inc.

Michael Webster, Interlocutory Attorney:

Applicant's motion (filed march 22, 2016) to suspend this proceeding pending final determination of Civil Action No. 6:16-cv-6183 filed in the insert United States District Court for the Western District of New York is **granted** as well taken.¹ It is the policy of the Board to suspend proceedings when the parties are involved in a civil action, which may be dispositive of or have a bearing on the Board case. *See* Trademark Rule 2.117(a).

The Board has carefully reviewed the complaint in the civil action in which Opposer, as plaintiff in the civil action, alleges trademark infringement. The same parties are involved in both proceedings. Additionally, a determination of Opposer's infringement claim in the civil action will clearly have a being on Opposer's asserted claim on likelihood of confusion under Section 2(d) in this opposition proceeding. In

¹ Opposer included a copy of the civil action complaint with its motion.

view thereof, the Board finds that a decision by the district court will have a bearing on the issues in this opposition proceeding. The Board further notes that, to the extent that a civil action in a Federal district court involves issues in common with those in a Board proceeding (which the Board has found in this instance), the district court decision would be binding on the Board. *See, e.g., Goya Foods Inc. v. Tropicana Products Inc.*, 846 F.2d 848, 6 USPQ2d 1950, 1954 (2d Cir. 1988).

Accordingly, proceedings are suspended pending final disposition of the civil action.

Within twenty days after the final determination of the civil 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 civil 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) (2015).