

ESTTA Tracking number: **ESTTA608373**

Filing date: **06/05/2014**

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

Proceeding.	91216141
Applicant	Defendant Creative Nail Design, Inc.
Other Party	Plaintiff Salon Supply Store, LLC
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	No

### **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, Creative Nail Design, Inc. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Creative Nail Design, Inc. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Creative Nail Design, 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,

/Lauren E. Kapsky/

Lauren E. Kapsky

lekapsky@debevoise.com, dhbernstein@debevoise.com, jfeigelson@debevoise.com,

steven.rosenthal@revlon.com

trademarks@ipla.com, negnatios@ipla.com

06/05/2014



SHELLAC® trademark (Reg. No. 3862232) in connection with Class 3 for the goods of nail care preparations, nail enamel, nail hardeners, nail polish or nail varnish with the United States Patent and Trademark Office registered on October 12, 2010 to the Supplemental Register. Applicant has counterclaimed in the Federal Court Action for, *inter alia*, trademark infringement and false advertising. Applicant's trademark applications at issue in this proceeding are for SHELLAC in connection with the same Class 3 goods above and in Class 11 for ultraviolet ray lamps not for medical purposes, both to the Principal Register.

Accordingly, the Federal Court Action involves the same and related marks as well as common issues of law and fact. Suspension therefore is appropriate under 37 C.F.R. Section 2.117(a), which provides for suspension "[w]henever 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 . . . which may have a bearing on the case." The Parties jointly submit that it would be in the best interest of the Board to suspend the present proceeding, in order to preserve the resources of all concerned. Applicant, upon consent of Opposer, therefore respectfully requests that this proceeding be suspended pending final determination of the Federal Court Action.

[Signature Page Follows]

Dated: June 5, 2014  
New York, New York

Respectfully submitted,

DEBEVOISE & PLIMPTON LLP

By: 

David H. Bernstein  
Jeremy Feigelson  
Lauren E. Kapsky

919 Third Avenue  
New York, New York 10022  
(212) 909-6000  
trademarks@debevoise.com

Attorneys for Applicant  
Creative Nail Design, Inc.

**CERTIFICATE OF SERVICE**

This is to certify that on June 5, 2014, I caused a copy of the foregoing  
CONSENT MOTION FOR SUPENSION OF PROCEEDINGS to be served by First  
Class Mail upon counsel for Opposer at the addresses below:

Noel K. Egnatios  
IP Legal Advisors, PC  
4445 Eastgate Mail Suite 200  
San Diego, CA 92121

With copies to:

Salon Supply Store, LLC  
3710 Buckeye Street Suite 120  
Palm Beach Gardens, FL 33410

Executed this 5th day of June, 2014 in New York, New York.

  
Lauren E. Kapsky