

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: February 10, 2015

Opposition No. 91218720

Affordable Naturals, LLC

v.

NutraMarks, Inc.

Karl Kochersperger, Paralegal Specialist:

On December 3, 2014, the Board issued a notice of default for failure of applicant to file an answer. The Board allowed applicant time to show cause why default judgment should not be entered against it.

On December 9, 2014, applicant filed its response to the show cause order. Opposer has not filed an objection to applicant's response. The Board finds good cause to set aside default.

Accordingly, the notice of default is set aside.

The motion (filed December 23, 2014) to suspend this proceeding pending final determination of Civil Action No. 2:14-cv-00907-EJF filed in the United States District Court for the District of Utah is granted as conceded.¹ See Trademark Rules 2.127(a) and 2.117(a).

¹ If a copy of the pleadings in the civil action was not filed with the motion to suspend, applicant is allowed until twenty days from the mailing date of this order in which to file a copy of the pleadings.

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).