

ESTTA Tracking number: **ESTTA773921**

Filing date: **09/30/2016**

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

Proceeding	91219312
Party	Defendant Karen Millen
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Date	09/30/2016
Attachments	Sept. 30 2016 - Joint Motion to Suspend Proceeding - KARENX - 91219312.pdf(16559 bytes )

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

In re Application of : Karen Millen  
Serial No. : 86/246,052  
Filed : April 8, 2014  
Mark : KARENX



Published : October 14, 2014

KAREN MILLEN FASHIONS LIMITED,

Opposer,

v.

KAREN MILLEN,

Applicant

Opposition No. 91219312

Serial No.: 86/246,052

**JOINT MOTION TO SUSPEND OPPOSITION PROCEEDING**

Pursuant to C.F.R. § 2.117(a), (b), (c), and T.B.M.P. § 510.02(a), Opposer Karen Millen Fashions Limited (“Opposer” or “KMFL”) and Applicant Karen Millen (“Applicant”) hereby move, for the reasons set forth below, that this proceeding be suspended.

As the parties anticipated in their joint submission dated August 22, 2016, which resulted in the temporary suspension of this proceeding, a Final Order has issued in a related United Kingdom litigation at the High Court of Justice, Chancery Division, Intellectual Property, namely, the case styled *Karen Denise Millen v. Karen Millen Fashions Limited and Mosaic Fashions US Limited*, Claim No: HC-2014-000808 (“UK Proceeding”). In that Final Order, which is dated September 13, 2016, the UK court made a determination on the issue of whether Applicant had the right to seek registration of the mark that is the subject of this opposition

proceeding. The UK court further granted Opposer permission to appeal such determination, and Opposer has indicated that it intends to pursue such appeal.

Under C.F.R. § 2.117(c), the Board may suspend a proceeding upon good cause or upon motion by either Applicant or Opposer. Furthermore, the Board will suspend a proceeding if the final determination of another proceeding (i.e., the related litigation) may have a bearing on the issues before the Board. T.B.M.P. § 510.02. Here, a continued suspension is warranted because the disposition of Opposer's appeal of the UK court's Final Order will finally determine whether Applicant has the right to pursue registration of the applied-for mark. It is further anticipated that a determination of such appeal should issue in approximately one year. The parties accordingly request that the instant opposition proceeding remain in suspension during the pendency of the appeal.

As the parties also reported in their August 22, 2016 joint submission, there remains a discovery dispute between them concerning a production of documents by Opposer made after the close of discovery. The parties wish to expressly reserve all of their rights with respect to that discovery dispute, including if necessary the right to seek the Board's intervention in the matter.

Accordingly, for the reasons set forth herein, Opposer and Applicant hereby jointly request that the instant opposition proceeding be suspended.

Dated: September 30, 2016

Respectfully submitted,

ARENT FOX LLP

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Joint Motion to Suspend Opposition Proceeding is being served upon Opposer's counsel of record by email and first class mail on September 30, 2016.

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/s/ Louis S. Ederer  
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