

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

Mailed: June 1, 2016

Opposition No. 91224026 (parent)

Opposition No. 91224028

Opposition No. 91225138

Synergent

v.

Credit Union 24, Incorporated

Geoffrey M. McNutt, Interlocutory Attorney:

These consolidated opposition proceedings are before the Board for consideration of (1) Opposer's motions for judgment on the pleadings (filed February 26, 2016);¹ and (2) Applicant's motion to suspend for civil litigation (filed March 29, 2016). Applicant's motion to suspend has been fully briefed.² Applicant has not submitted a brief in opposition to Opposer's motion for judgment on the pleadings; rather Applicant filed its motion to suspend prior to the deadline (as extended) for responding to Opposer's motion.

¹ Prior to consolidation, Applicant filed separate motions in each of the three opposition proceedings. Opposer also requested a suspension of proceedings during the pendency of its motions for judgment on the pleadings. The suspension request was granted as part of the Board March 25, 2016, consolidation order.

² Despite the consolidation of proceedings, Opposer filed its brief in opposition to Applicant's motion in Opposition No. 91224028 rather than in the parent case.

Applicant's Motion to Suspend

Applicant has moved to suspend these consolidated Board proceedings pending the final disposition of a civil action pending between the parties in the United States District Court for the District of Maine, *Synergent v. Credit Union 24, Inc.*, Case 2:16-cv-00168-JAW.

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). As indicated, the civil action need not be dispositive of the Board proceeding to warrant suspension, it is only necessary that it “may have a bearing on” the Board case. Trademark Rule 2.117(a); *see also, New Orleans Louisiana Saints LLC v. Who Dat? Inc.*, 99 USPQ2d 1550, 1552 (TTAB 2011).

In support of its motion, Applicant has submitted a copy of the complaint in the civil action. The civil action involves, *inter alia*, the same marks at issue in these consolidated Board proceedings, and Opposer's federal and state claims of trademark infringement, unfair competition, and dilution. Among the relief sought by Opposer in the civil action is an order enjoining Applicant from using the mark CU24, declaring that Applicant has no right to register the mark CU24 with the United States Patent and Trademark Office, and directing the USPTO to refuse registration of Applicant's mark. *See* Complaint, pp. 10–11 (15 TTABVUE 19–20).

The district court's decisions regarding Opposer's claims and the requested injunctive and declaratory relief may have a bearing on the Board's proceeding.

Accordingly, good cause exists for suspension of these consolidated Board proceedings. Proceedings therefore are **SUSPENDED** pending final disposition of the civil action.

Within twenty days after the final determination of the civil action, the parties must notify the Board so that these proceedings may be called up for appropriate action.³ Such notification to the Board should include a copy of any final order or final judgment which issued in the civil action.

Opposer's Motions

In view of the suspension, Applicant's motions for judgment on the pleadings are **denied without prejudice**. If the outcome of the civil action does not resolve or make moot Applicant's motions, then upon resumption of the Board proceedings Applicant may renew its motions by refileing them. In such instance, Applicant is directed not to file three separate motions, but rather to file a single renewed motion in the parent case only, addressing the issues and applications of the three consolidated proceedings.

Any renewed motion must be accompanied by a signed statement that the motion has been reviewed in its entirety and concerns matters still disputed by the parties. If Applicant renews its motion, the Board will then set the briefing schedule to allow time for Opposer to submit a brief in opposition to the motion and for Applicant to submit a reply brief, if necessary.

³ A proceeding is considered to have been finally determined when an order or ruling that ends litigation has been rendered and no appeal has been filed therefrom, or all appeals filed have been decided. *See* TBMP § 510.02(b).

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.

Proceedings are **SUSPENDED**.