

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

am

Mailed: February 3, 2016

Opposition No. 91225145

*BNC Bancorp and Bank of North Carolina  
(Opposer/Petitioner)*

*v.*

*BNCCORP, Inc.  
(Applicant/Respondent)*

**Denise M. DelGizzi,  
Chief Clerk of the Board**

**SUSPENSION**

On December 3, 2015, Opposer filed a motion to suspend this proceeding pending a final determination of Civil Action No. 0:15-cv-03624 and Civil Action No. 1:15-cv-00793 pending in the United States District Court for the Middle District of North Carolina, styled as *BNCCORP, INC. and BNC National Bank v. BNC Bancorp and Bank of North Carolina*. The motion is granted as conceded. See Trademark Rules 2.127(a) and 2.117(a).

**COUNTERCLAIM**

On December 28, 2015, Applicant filed an answer to the opposition and a counterclaim to cancel Opposer's pleaded Registration No. 3971788. Applicant submitted the required fee.

Accordingly, the counterclaim is hereby instituted, however, Opposer's answer to the counterclaim and trial dates will be reset, if necessary, after the suspension for civil action is concluded.

Within twenty days after the final determination of the civil actions, the parties shall so notify the Board so that this proceeding may be called up for appropriate action.<sup>1</sup> 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.

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<sup>1</sup> 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).