

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: May 6, 2016

Opposition No. 91227369

*SBE Hotel Licensing, LLC*

v.

*Luxe Hospitality Company*

George C. Pologeorgis,  
Administrative Trademark Judge:

Opposer's motion (filed April 14, 2016) to suspend this proceeding pending the final determination of Case No. 2:15-cv-07115 filed in the United States District Court for the Central District of California on or about March 21, 2016 which involves the parties herein is **GRANTED** as well taken.<sup>1</sup> See Trademark Rule 2.117(a).

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. *Id.* The Board has carefully reviewed the pleadings in the civil action and finds that the final disposition of the civil action will have a bearing on the issues in this proceeding. Specifically, the Board notes that Opposer, as counterclaim defendant in the civil action, seeks relief from the district court in the

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<sup>1</sup> Opposer submitted copies of the pleadings in the civil action on May 5, 2016 pursuant to the Board's April 28, 2016, order.

nature of an order requiring the USPTO “to cancel”<sup>2</sup> Applicant’s four involved applications.

Accordingly, this proceeding is ***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.<sup>3</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. 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.

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<sup>2</sup> The Board notes that a pending application cannot be canceled but may be abandoned. Opposer’s use of the term “cancel” in its asserted counterclaim in the civil action concerning Applicant’s involved applications, however, does not alter the Board’s decision herein.

<sup>3</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) (2015).