

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: July 21, 2016

Opposition No. 91227788

*Traxxas LP*

*v.*

*Textron Inc.*

**Robert H. Coggins,  
Interlocutory Attorney:**

Now before the Board is Applicant's second motion (filed July 1, 2016, at 8 TTABVUE) to suspend proceedings pending disposition of two civil actions between the parties.

Telephone Conference

On July 21, 2016, at approximately 3:00 p.m. EDT the Board conducted a telephone conference to resolve the outstanding motion. Participating in the conference were Gregory Carr, counsel for Opposer; David Fuad, counsel for Applicant; Robert Coggins, attorney for the Board. The Board appreciates the parties' preparation for and professionalism during the conference.

Inasmuch as Opposer telephoned the Board to state that it would oppose the second motion, and the conference was held prior to the time in which Opposer might otherwise file a written brief in opposition to the motion, Opposer was given the opportunity during the conference to provide an oral brief in opposition; similarly,

Applicant was given the opportunity to provide an oral reply. The Board presumes familiarity with the issues, and for the sake of efficiency this order does not summarize the parties' arguments raised in the motion and brief, or statements made during the conference. Instead, this order lists the decisions made by the Board.

#### ESTTA Suspension Order Vacated

Inasmuch as Applicant stated that its first motion to suspend (6 TTABVUE) was mistakenly filed using the "Consent Motions" option in ESTTA, the automatically generated July 1, 2016 suspension order (7 TTABVUE) was **vacated**.

#### Second Motion to Suspend

After consideration of the written record and the parties' oral statements, Applicant's second motion to suspend Board proceedings pending disposition of the civil actions was **granted**.<sup>1</sup> Trademark Rule 2.117(a). It is the policy of the Board to suspend proceedings when the parties to a case pending before the Board are involved in a civil action which may have a bearing on the Board case. *See* TBMP § 510.02(a) (2016).

#### Suspension

Proceedings were **suspended** pending final disposition of the civil actions. Within thirty days after the final determination<sup>2</sup> of the civil actions, the parties shall so

---

<sup>1</sup> Civil Action No. 1:16-cv-81-JRH-BKE, styled *Textron Inc. and Textron Specialized Vehicles Inc. v. Traxxas LP, et al.*, filed June 10, 2016, in the United States District Court for the Southern District of Georgia; and Civil Action No. 6:16-cv-506, styled *Traxxas LP v. Textron Inc. and Textron Specialized Vehicles Inc.*, filed June 15, 2016, in the United States District Court for the Eastern District of Texas.

<sup>2</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,

notify the Board so that this proceeding may be called up for appropriate action (including, if appropriate, resetting Applicant's time to file an answer to the notice of opposition). Such notification to the Board should include a copy of any final order or final judgment which issued in the civil action(s). 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.

---

and no appeal has been filed therefrom or all appeals filed have been decided. *See* TBMP § 510.02(b).