

ESTTA Tracking number: **ESTTA934685**

Filing date: **11/13/2018**

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

Proceeding	91229792
Party	Plaintiff Bayer Consumer Care AG
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Date	11/13/2018
Attachments	Joint Response to Board Request for Update.pdf(29323 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86/959,320: FLANAX

Bayer Consumer Care AG,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91229792
)	
Belmora LLC,)	
)	
Applicant.)	

**JOINT RESPONSE TO BOARD'S REQUEST FOR UPDATE ON STATUS OF CIVIL
ACTION THAT OCCASIONED THE SUSPENSION OF THIS PROCEEDING**

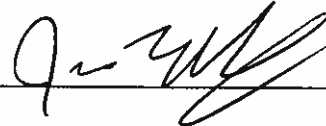
Opposer Bayer Consumer Care AG ("Bayer") and Applicant Belmora LLC ("Belmora") hereby jointly respond to the Board's request for an update on the status of the civil litigation that occasioned the suspension of this proceeding (9 TTABVUE).

On September 6, 2018, the United States District Court for the Eastern District of Virginia issued a memorandum opinion and order in the civil action. *Belmora LLC, et al v. Bayer Consumer Care AG, et al*, 1:14-cv-00847-CMH-JFA, Docs. 280 and 281. On October 5, 2018, Bayer filed a Notice of Appeal to the United States Court of Appeals for the Fourth Circuit. *Id.* at Doc. 283. Belmora filed a cross-appeal on October 17, 2018. *Id.* at Doc. 286. The case is now pending in the Court of Appeals for the Fourth Circuit. *Belmora LLC, et al v. Bayer Consumer Care AG, et al*, 18-2183.



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Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing JOINT RESPONSE TO BOARD'S REQUEST FOR UPDATE ON STATUS OF CIVIL ACTION THAT OCCASIONED THE SUSPENSION OF THIS PROCEEDING was served upon Applicant on this 13th day of November, 2018, by email, to the following:

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