

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
General Email: TTABInfo@uspto.gov

WINTER

September 26, 2018

Opposition No. 91237818

National Hockey League

v.

The Hockey Cup LLC

BY THE TRADEMARK TRIAL AND APPEAL BOARD:

On April 24, 2018, Opposer filed its combined motion to dismiss Applicant's amended counterclaims and to strike Applicant's amended affirmative defenses. The Board notes that on July 24, 2018, Opposer filed a motion to suspend this proceeding pending final determination of Civil Action No. 1:18-cv-06597 filed in the United States District Court for the Southern District of New York, and that Applicant did not file a response thereto. In view thereof, Opposer's motion to suspend is **GRANTED** as conceded.¹ See Trademark Rules 2.127(a) and 2.117(a).

Accordingly, proceedings are **SUSPENDED** pending final disposition of the civil action.

Because the proceeding has been suspended, Opposer's combined motion to dismiss Applicant's counterclaims and to strike Applicant's affirmative defenses is

¹ Opposer submitted with its motion a copy of the complaint in the civil action.

DENIED WITHOUT PREJUDICE. If the civil action does not resolve the parties' respective claims, Opposer may refile its motion to dismiss upon resumption of this proceeding.

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.² 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 or email 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.

☼☼☼

² 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, or all appeals filed have been decided and the time for any further review has expired. *See* TBMP § 510.02(b).