

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: June 8, 2007

Cancellation No. 92043516

Jzchak N. Wajcman d/b/a Bill
Lawrence Products

v.

Willi Lorenz Stich

Andrew P. Baxley, Interlocutory Attorney:

It has been brought to the Board's attention that the parties to this case are involved in a civil action styled *Wajcman v. Stich*, Case No. 05-CV-1200 LAB (NLS), filed in the United States District Court for the Southern District of California.

To prevail in that civil action, each party must prove the existence of its service mark rights in the BILL LAWRENCE mark. The district court's findings may have a bearing on this proceeding. See Trademark Rule 2.117(a); TBMP Section 510.02(a) (2d ed. rev. 2004). More importantly, the district court's findings will be binding upon the Board. See *American Bakeries Co. v. Pan-O-Gold Baking Co.*, 2 USPQ2d 1208 (D.C. Minn 1986); *Other Telephone Co. v. National Telephone Co.*, 181 USPQ 79 (Comm'r Pats.

1974); and *Whopper-Burger, Inc. v. Burger King Corp.*, 171 USPQ 805 (TTAB 1971).

Therefore, in the interest of judicial economy and consistent with the Board's inherent authority to control the scheduling of cases on its docket so as to avoid duplicating the effort of the district court and the possibility of reaching an inconsistent conclusion, proceedings in this case are suspended pending final determination, i.e., following the termination of any appeals and/or remands, of Case No. 05-CV-1200 LAB (NLS). See Trademark Rule 2.117(a); TBMP Section 510.02(a) (2d ed. rev. 2004). The Board defers consideration of all motions currently pending in this case until proceedings are resumed.¹

Annual inquiry will be made as to the status of Case No. 05-CV-1200 LAB (NLS). During the suspension period, the Board should be notified of any address changes for the parties or their attorneys. Within twenty days after the final determination of that case, one of the parties should notify the Board so that this case may be called up for appropriate action. During the suspension period the Board

¹ The Board notes that all motions currently pending in this case were filed following the commencement of Case No. 05-CV-1200 LAB (NLS). Had the parties sooner informed the Board that they were also involved in a civil action which may have a bearing on this case, they could have saved themselves and the Board considerable time, effort and expense.

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should be notified of any address changes for the parties or their attorneys.