

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

Mailed: July 2, 2008

Cancellation No. 92048777

adidas America, Inc.

v.

Michael Calmese

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

On June 6, 2008, the Board allowed respondent twenty days in which to provide the Board with a copy of the pleadings in the civil action between the parties.¹ Respondent complied and filed (on June 26, 2008) a copy of the civil action pleadings.²

The Board has reviewed the pleadings in the civil action and has determined that the civil action may have a

¹ Case No. CV-08-0091-ST, styled *Adidas America, Inc. v. Michael D. Calmese*, in the United States District Court for the District of Oregon.

² Respondent also filed a copy of his requests for admissions, and the Board notes that respondent had earlier filed his initial disclosures. Respondent is reminded that written disclosures and requests for discovery should not be filed with the Board (except in limited circumstances not presently at issue in this proceeding). Trademark Rule 2.120(j)(8).

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bearing on the rights of the parties in the cancellation proceeding before the Board. It is the policy of the Board to suspend proceedings when the parties are involved in a civil action that may be dispositive of or have a bearing on the Board case. See Trademark Rule 2.117(a); and *General Motors Corp. v. Cadillac Club Fashions Inc.*, 22 USPQ2d 1933 (TTAB 1992).

Accordingly, respondent's cross-motion to suspend (filed April 14, 2008) is granted as well-taken, and proceedings herein are **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 case may be called up for appropriate action which may include determination of petitioner's April 3, 2008 motion for default judgment/sanctions for respondent's failure to participate in the required discovery conference.

During the suspension period the Board shall be notified of any address changes for the parties or their attorneys.