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

Proceeding	92052150
Party	Plaintiff Wonderbread 5
Correspondence Address	MEAGAN MCKINLEY-BALL PHILLIPS ERLEWINE & GIVEN LLP 50 CALIFORNIA STREET, 35TH FLOOR SAN FRANCISCO, CA 94111 UNITED STATES mmb@phillaw.com, cac@phillaw.com
Submission	Other Motions/Papers
Filer's Name	Cari A. Cohorn
Filer's e-mail	rac@phillaw.com, cac@phillaw.com, dmg@phillaw.com
Signature	/ Cari A. Cohorn/
Date	06/21/2012
Attachments	Motion to suspend.pdf (4 pages)(31206 bytes)

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

In re Registration No. 3691948 for the Word Mark WONDERBREAD 5
(Registered on October 6, 2009)

_____)	
WONDERBREAD 5,)	
)	Cancellation No. 92052150
Petitioner,)	
)	
v.)	
)	
PATRICK GILLES,)	
)	
Registrant.)	
_____)	

PETITIONER'S MOTION TO SUSPEND

Petitioner Wonderbread 5's ("Petitioner") hereby moves to suspend proceedings in this cancellation action, effective as of the date of this filing, pursuant to Trademark Trial and Appeal Board Manual of Procedure ("TBMP") section 510.03(a) and 37 C.F.R. § 2.126(d). The latter provision states:

When any party files a motion to dismiss, or a motion for judgment on the pleadings, or a motion for summary judgment, or **any other motion which is potentially dispositive of a proceeding, the case will be suspended** ... If the case is not disposed of as a result of the motion, proceedings will be resumed pursuant to an order of the Board when the motion is decided.

(Emphasis added.) Likewise, TBMP section 510.03(a) provides in pertinent part:

When a party to a Board proceeding files a motion which is potentially dispositive of the proceeding ... the case will be suspended by the Board with respect to all matters not germane to the motion.

The filing of such a potentially dispositive motion does not, in and of itself, operate to suspend a case; until the Board issues its suspension order, all times continue to run. However, when issuing its suspension order, the Board ordinarily treats the proceeding as if it had been suspended as of the filing date of the potentially dispositive motion.

(Internal references omitted.)

On May 22, 2012, Petitioner filed a Motion for Sanctions (the "Motion") seeking terminating sanctions; this Motion is potentially dispositive, and therefore suspension is mandatory. To date, the Board has not issued a suspension order. As such, Petitioner respectfully requests that the Board issue an order suspending all proceedings not germane to the

Motion and making the suspension retroactive to either the date of filing of the Motion or to the date of filing of this motion, in the Board's discretion.

Respectfully submitted,

WONDERBREAD 5

Dated: June 21, 2012

PHILLIPS, ERLEWINE & GIVEN LLP

By: _____/David. M.Given/_____

David M. Given
Cari A. Cohorn
50 California Street, 35th Floor
San Francisco, CA 94111
Telephone: (415) 398-0900
Facsimile: (415) 398-0911
Email: dm@phillaw.com
cac@phillaw.com
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I, Rosemary A. Comisky Culiver., certify that on this 21st day of June, 2012, a true and correct copy of **PETITIONER’S MOTION TO SUSPEND** was sent by U.S. Mail to:

Matthew H. Swyers, Esq.
The Trademark Company
344 Maple Avenue West, Suite 151
Vienna, VA 22180

Dated: June 21, 2012

PHILLIPS, ERLEWINE & GIVEN LLP

By: /s/ Rosemary A. Comisky Culiver

David M. Given
Cari A. Cohorn
50 California Street, 35th Floor
San Francisco, CA 94111
Telephone: (415) 398-0900
Facsimile: (415) 398-0911
Email: dmg@phillaw.com
cac@phillaw.com

Attorneys for Petitioner