

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

Mailed: July 26, 2013

Cancellation No. 92055403

Barry Biondo dba Topsy Spa
and Salon

v.

Thanh Nguyen

**George C. Pologeorgis,
Interlocutory Attorney:**

By order dated April 12, 2012, the Board suspended this proceeding pending the final determination of a civil action between the parties in this case in the United States District Court for the Southern District of Florida.

On April 19, 2013, respondent filed a communication with the Board advising that the district court found that petitioner (1) intentionally infringed upon respondent's subject TIPSY mark under the Lanham Act, (2) created a false designation of origin under the Lanham Act, (3) infringed upon respondent's common law trademark rights, and (4) committed cybersquatting through his use of the domain name www.tipsyspa.com. As a result of these findings, respondent further advised that the district court permanently enjoined petitioner from using the TIPSY mark. Respondent additionally advised that, on appeal, the United States Court of Appeals for

the Eleventh Circuit affirmed the district court's decision and that the district court has entered a final judgment in the matter.

In view of the foregoing, petitioner is allowed **twenty (20) days** from the mailing date of this order to show cause why judgment should not be entered against petitioner in accordance with the district court's decision, failing which judgment will be entered against petitioner and the petition to cancel will be dismissed with prejudice.

Proceedings otherwise remain suspended pending petitioner's response to this order.