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

Proceeding	92056169
Party	Defendant Jason P. Barnes aka Jazan Wild
Correspondence Address	JASON P BARNES 13418 MOORPARK STREET SHERMAN OAK, CA 91423 UNITED STATES jazanwild@yahoo.com
Submission	Motion to Suspend for Civil Action
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Signature	/Theodore F. Shiells/
Date	11/08/2012
Attachments	2012-11-08 WILD Motion to Suspend TTAB Cancelation Proceeding.pdf (3 pages)(18415 bytes)

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

HARPERCOLLINS PUBLISHERS, LLC

Petitioner,

v.

JASON P. BARNES, PKA JAZAN WILD

Registrant.

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Petition for Cancellation
No. 92056169

Mark: CARNIVAL OF SOULS

Reg. No. 3,921,658

Commissioner for Trademarks
Trademark Trial and Appeals Board
P.O. Box 1451
Alexandria, VA 22313-1451

REGISTRANT’S MOTION TO SUSPEND FOR CIVIL ACTION

Pursuant to Trademark Trial and Appeal Board Manual of Procedure Rule 51 0.02(a) and 37 CFR 2.117(a), Registrant hereby requests that present Cancellation Proceeding No. 92056169 (the “Cancellation Proceeding”) be suspended pending the outcome of Civil Action Case No. SACV 12-1191 JST (ANx), pending before the United States District Court, Central District of California, between the Registrant and Petitioner, HarperCollins LLC, as set forth below. Registrant believes that the issues set forth in the Civil Action will have a direct bearing on the issues presented in the Cancellation Proceeding.

Attached are true and correct copies of (1) the Civil Complaint for Trademark Infringement; Dilution; Unjust Enrichment; Unfair Competition; False Description; and Injury to Business Reputation, filed on July 23, 2012 (Doc. 1)(attached as Exhibit 1); (2) the First Amended Complaint filed on August 18, 2012 (Doc. 16)(attached as Exhibit 2); (3)

HarperCollins' Motion to Dismiss, filed September 11, 2012 (Doc. 18)(attached as Exhibit 3); and (4) Jazan Wild's (the Registrant here) Memorandum in Opposition to Defendants' (i.e., Petitioner here, HarperCollins') Motion to dismiss, filed October 31, 2012 (Doc. 35) attached as Exhibit 4) in the Civil Action. The First Amended Complaint seeks, among other relief, an injunction enjoining and prohibiting HarperCollins (Petitioner here) from use of Registrant's "CARNIVAL OF SOULS" registered trademark that is the subject of the present Petition. Petitioner HarperCollins has asserted the same alleged defenses in the Civil Action as are asserted in this Cancellation Proceeding (*See* Exhibit 3 attached hereto). Those alleged defenses (which are meritless) are presently before the Court for decision.

As the issues that are the subject of the Civil Action bear directly on the issues and allegations in this Cancellation Proceeding, Registrant respectfully requests that the Cancellation Proceeding be suspended pending the outcome of the civil action.

JAZAN WILD (FKA JASON P. BARNES)

Date: November 8, 2012

/Theodore F. Shiells/

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served by the TTAB ESTTA system, to the attorney for Petitioner on this 8th day of November 8, 2012.

/Theodore F. Shiells/
Theodore F. Shiells