

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: July 7, 2016

Cancellation No. 92057116

Westheimer Corporation

v.

Darryl D. Agler

Lalita Greene, Paralegal Specialist:

The motion (filed April 20, 2016) to suspend this proceeding pending final determination of Civil Action filed in the District Court for the Northern District of Indiana is granted as well taken.¹² It is the policy of the Board to suspend proceedings when the parties are involved in a civil action, which may be dispositive of or have a bearing on the Board case. *See* Trademark Rule 2.117(a).

Accordingly, proceedings 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 proceeding may be called up for appropriate

¹ If a copy of the pleadings in the civil action was not filed with the motion to suspend, Petitioner is allowed until twenty days from the mailing date of this order in which to file a copy of the pleadings.

² Petitioner's change of address filed May 17, 2016, is noted and the Board records have been updated to reflect this change.

action.³ Such notification to the Board should include a copy of any final order or final judgment which issued in the civil action.

During the suspension period, the parties must notify the Board of any address changes for the parties or their attorneys. In addition, the parties are to promptly inform the Board of any other related cases, even if they become aware of such cases during the suspension period. Upon resumption, if appropriate, the Board may consolidate related Board cases.

³ A proceeding is considered to have been finally determined when an order or ruling that ends litigation has been rendered, and no appeal has been filed, or all appeals filed have been decided and the time for any further review has expired. *See* TBMP § 510.02(b).