

ESTTA Tracking number: **ESTTA568673**

Filing date: **11/03/2013**

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

Proceeding	92058096
Party	Defendant International Watchman, Inc.
Correspondence Address	INTERNATIONAL WATCHMAN INC 4301 MANHATTAN AVE BRUNSWICK, OH 44212 UNITED STATES
Submission	Motion to Suspend for Civil Action
Filer's Name	John D. Gugliotta
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Signature	/John D. Gugliotta/
Date	11/03/2013
Attachments	131101 Motion to Suspend TTAB Cancellation Proceedings.pdf(84934 bytes )

deBeer Watchbands,

Plaintiff/Petitioner,

V.

International Watchman Inc.,

Defendant/Registrant.

**MOTION TO SUSPEND FOR CIVIL ACTION**

- I. There is multi-party, complex civil litigation pending in federal court between these same parties and others.

Pursuant to Section 2.117 of the Rules of Practice in Trademark Cases, Chapter 37 Code of Federal Regulations, Defendant/Registrant, International Watchman Inc., respectfully requests suspension of this cancellation proceeding because the claims asserted by Plaintiff/Petitioner are duplicative of claims and defenses in preexisting, pending federal litigation involving three (3) cases between these same parties and eighteen (18) others:

- On Sep. 9, 2013, Defendant/Registrant herein, filed a lawsuit in the U.S. District Court for the Northern District of Ohio for trademark infringement on the trademarks at issue in this cancellation proceeding. That case is International Watchman Inc. v. The NATO Strap Co., Jason Taras, 29 Central Ltd. Co., Suresh C. Sachdev dba Variety Corp. dba A Treasure Nest, Expo International, Inc., Chris Hill, and Clockwork Synergy, LLC, Case No. 1:13-cv-1986, Judge Gaughan;
- On Oct. 10, 2013, Defendant/Registrant herein, filed a lawsuit in the U.S District Court for the Northern District of Ohio for trademark infringement on the trademarks at issue in

this cancellation proceeding. That case is International Watchman Inc. v. Nite International Limited, Crown and Buckle LLC, James Uminowicz, Worn&Wound LLC, and ADNWeb, LLC, Case No. 1:13-cv-2240, Judge Wells; and,

- On Oct. 24, 2013, Defendant/Registrant herein, filed a lawsuit in the U.S. District Court for the Northern District of Ohio for trademark infringement for the trademarks at issue in this cancellation proceeding. That case is International Watchman Inc. v. deBeer Watchbands, Inc., Panatime Corporation, DaLuca Inc., The Watch Prince, FixFind, Inc., and Strapped for Time, Inc., Case No. 1:13-cv-2358, Judge Gaughan.

II. Plaintiff/Petitioner seeks cancellation of trademarks whose validity is currently being litigated by the U.S. District Court, Northern District of Ohio.

Plaintiff/Petitioner, deBeer Watchbands, brings the present cancellation proceeding before the TTAB alleging "genericness" and dilution. The marks at issue are: U.S. Reg. No. 3,907,646 for the mark "NATO" and U.S. Reg. No. 4,093,914 for the mark "NATO G-10." These same issues are under review by the federal court in the three (3) lawsuits noted above. Permitting the TTAB to continue with this cancellation proceeding would be entirely duplicative of the pending, preexisting federal court cases. Further, permitting the Court cases and these TTAB cancellation proceedings to continue simultaneously could result in inconsistent rulings. Permitting all to continue simultaneous is further contrary to the policy of judicial economy.

Accordingly, Defendant/Registrant moves for a stay of these cancellation proceedings pursuant to 15 U.S.C. § 1119, which states that federal courts have concurrent jurisdiction with the TTAB over issues relating to the registration and cancellation of trademarks. Decisions by the federal court are binding on the

TTAB and the USPTO. Id.

Moreover, “[i]t is standard procedure for the TTAB to grant such motions [to suspend cancellation proceedings] when the issues involved in the court action are related to the issues raised in the Petition to Cancel.” *Alfred Dunhill of London, Inc. v. Dunhill Tailored Clothes, Inc.*, 293 F.2d 685 (C.C.P.A. 1961); *Whopper-Burger, Inc. v. Burger King Corp.*, 1971 WL 16554 (T.T.A.B. 1971). The Federal District Court for the Northern District of Ohio is further not limited by the decision of the TTAB.

In further support of granting a suspension of this cancellation proceeding, district courts have noted that a suspension is appropriate:

When a case involves infringement, “the interest in prompt adjudication far outweighs the value of having the views of the [TTAB].” *Goya Foods, Inc. v. Tropicana Products, Inc.*, 846 F.2d 848, 853-54. The litigant seeking relief is entitled to prompt resolution of the infringement issue so that it may conduct its business affairs accordingly. Id. at 854.

Judicial economy will be facilitated only by suspending this cancellation proceeding, while the district court disposes of all issues between these parties, including the allegations of “genericness” and dilution as raised by Plaintiff/Petitioner.

**WHEREFORE**, the Defendant/Registrant requests that this cancellation proceeding be suspended until termination of the above referenced civil actions.

Most Respectfully Submitted,

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International Watchman Inc.

**CERTIFICATE OF TRANSMITTAL**

I certify that the attached Motion to Suspend TTAB Cancellation Proceedings for Civil Action is being filed electronically with the TTAB via ESTTA on November 1, 2013.

## CERTIFICATE OF SERVICE

This is to certify that the undersigned has served on this date a true and correct copy of the within and foregoing **MOTION TO SUSPEND TTAB CANCELLATION PROCEEDINGS FOR CIVIL ACTION**, regarding cancellation of the trademarks “NATO” and “NATO G10,” upon the representative for Plaintiff/Petitioner, by United States First Class Mail, in a properly addressed envelope, with adequate postage affixed thereon, addressed as follows:

Gary Vandenberg  
deBeer Watchbands  
10782 Edison Court  
Rancho Cucamonga, CA 91730  
gvan54@cs.com

Most Respectfully Submitted,

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