

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

MT

Mailed: February 13, 2014

Cancellation No. 92058459

Davina Douthard, Inc.

v.

Mass Appeal Media, Inc.

**Monique Tyson, Paralegal Specialist:**

The motion (filed February 7, 2014) to suspend proceedings pending final determination of a civil action between the parties is noted. However, opposer did not include a copy of the relevant complaint with the notice of opposition.<sup>1</sup>

Inasmuch as 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,<sup>2</sup> opposer has until **THIRTY DAYS** from the mailing date

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<sup>1</sup> Registrant's answer filed February 7, 2014 is noted and entered.

<sup>2</sup> Moreover, to the extent that a civil action in a Federal district court involves issues in common with those in a Board proceeding, the district court decision would be binding on the Board, whereas the Board decision is merely advisory to the district court. See *American Bakeries Co. v. Pan-O-Gold Baking Co.*, 2 USPQ2d 1208 (D.C. Minn. 1986). Further, Board decisions

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hereof to submit to the Board a copy of the complaint.

See Trademark Rule 2.117(a).

Proceedings are otherwise suspended. The parties are not to file any further papers herein until the Board resumes this proceeding.

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are appealable to the district court. See Section 21 of the Trademark Act, and *Goya Foods, Inc. v. Tropicana Products Inc.*, 846 F.2d 848, 6 USPQ2d 1950, at 1953 (2d Cir. 1988).