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

Proceeding	92060688
Party	Defendant Strayhan Investments, Inc. dba Rubicon Brewing Company
Correspondence Address	STRAYHAN INVESTMENTS INC 2004 CAPITOL AVENUE SACRAMENTO, CA 95814 UNITED STATES
Submission	Other Motions/Papers
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Date	02/23/2015
Attachments	Motion to Suspend (MKF) (00009240xCB71D).pdf(11384 bytes)

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

NODDING HEAD BREWERY,

Petitioner,

v.

STRAYHAN INVESTMENTS, INC.
d/b/a RUBICON BREWING COMPANY,

Registrant.

Cancellation No.: 92060688

MOTION TO SUSPEND PROCEEDING

Registrant hereby petitions the Trademark Trial and Appeal Board to suspend Petitioner's Cancellation proceeding pursuant to 37 C.F.R. § 2.117(a) and all other applicable laws, rules, and/or regulations.

Registrant has filed a concurrent use application, Serial No. **86543458** to register the trademark "MONKEY KNIFE FIGHT," for Beer, ale, lager, stout and porter; Beers based on its exclusive use of the trademark throughout the United States, excluding the city of Philadelphia, Pennsylvania. Because Petitioner's Petition for Cancellation is based on Registrant's use of the trademark in a geographically unrestricted area, the adjudication of Registrant's concurrent use proceeding will dispose of some (if not all) of the issues in this proceeding. As such, it is proper for this Board to suspend Petitioner's cancellation proceeding until Registrant's concurrent use proceeding before this Board is adjudicated. (See 37 C.F.R. § 2.117; TMBP § 510.02 (Suspension Pending Outcome of Another Proceeding)).

Accordingly, Registrant respectfully requests this Board suspend Petitioner's cancellation proceeding and take no action pending the outcome of Registrant's concurrent use proceeding, which may dispose of some of the issues in this proceeding.

Dated: February 23, 2015

STRAYHAN INVESTMENTS, INC.
d/b/a RUBICON BREWING COMPANY
Registrant

By: /sh/
Scott Hervey
Counsel for Registrant
Weintraub Tobin
9665 Wilshire Blvd., Ninth Floor
Beverly Hills, CA 90212

Petitioner, NODDING HEAD BREWERY, consents to suspension of its cancellation proceeding pending an outcome in Registrant's concurrent use proceeding.

Dated: February __, 2015

NODDING HEAD BREWERY
Petitioner

By: _____
Curt Decker, Owner
Nodding Head Brewery
1516 Sansom Street
Second Floor
Philadelphia, PA 19102

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **MOTION TO SUSPEND PROCEEDING** has been served on the Applicant by mailing said copy on February __, 2015, via First Class Mail, postage prepaid to:

Curt Decker, Owner
Nodding Head Brewery
1516 Sansom Street
Second Floor
Philadelphia, PA 19102

I hereby further certify that the instant document was filed on the date indicated below via the Trademark Trial and Appeal Board's online electronic filing system.

Dated: February __, 2015

Denise Moreno