

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: August 18, 2015

Cancellation No. 92061257

Fluid Energy Group Ltd.

v.

Heartland Energy Group, Ltd.

**George C. Pologeorgis,
Interlocutory Attorney:**

On May 20, 2015, Respondent filed a motion to suspend this cancellation proceeding pending the final disposition of an arbitration between the parties herein in the International Chamber of Commerce.¹ On June 8, 2015, Petitioner filed an opposition to the motion to suspend. On June 23, 2015, Respondent filed a reply brief in support of its motion to suspend.²

Thereafter, on August 17, 2015, Petitioner withdrew its opposition to Respondent's motion to suspend and provided its consent to suspension of this proceeding pending conclusion of the arbitration proceeding.

¹ Case No. 20282/RD, styled *Fluid Energy Group Ltd. and Fluid Lux S.A.R.L. v. Heartland Energy Group, Ltd.* The Board notes that Respondent has asserted a counterclaim in the arbitration proceeding against Petitioner, as well as others.

² Respondent's change of correspondence address and appearance of counsel on behalf of Respondent filed on June 3, 2015 is noted. Board records have been updated accordingly.

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In view thereof, Respondent's motion to suspend is **GRANTED**. Trademark Rule 2.127(a).

Accordingly, proceedings are **suspended** pending final disposition of the arbitration proceeding between the parties.

Within twenty days after the final determination of the arbitration, the parties shall so notify the Board so that this proceeding may be called up for appropriate action.³ Such notification to the Board should include a copy of any final order or final judgment which issued in the arbitration.

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.

As a final matter, the Board notes that on June 3, 2015 Respondent filed a motion to accept its late-filed answer. Respondent filed its answer to the petition to cancel concurrently with its motion. Because Respondent filed its motion to suspend prior to the deadline for filing its answer in this matter and since the Board has, by this order, granted Respondent's motion to suspend, these proceedings are effectively deemed suspended as of the filing date of Respondent's motion to suspend. Accordingly, Respondent's motion to accept its late-filed answer

³ A proceeding is considered to have been finally determined when a decision on the merits of the case (*i.e.*, a dispositive ruling that ends litigation on the merits) has been rendered, and no appeal has been filed therefrom, or all appeals filed have been decided. *See* TBMP § 510.02(b).

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is procedurally unnecessary and, therefore, deemed **MOOT**. Notwithstanding, Respondent's answer to the petition to cancel filed on June 3, 2015 is noted and accepted.