

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

wbc

Mailed: October 8, 2015

Cancellation No. 92061974

Cybernet Entertainment, LLC

v.

Balance Studios Inc.

Wendy Boldt Cohen, Interlocutory Attorney:

On August 11, 2015, Respondent filed a motion to suspend this proceeding pending final determination of a civil action filed in the Federal District Court of the Northern District of California, styled, *Balance Studios, Inc. v. Cybernet Entertainment, LLC*, Case No. 3:15-cv-03441 filed July 27, 2015. Petitioner opposed the motion. Thereafter, on September 3, 2015, Respondent filed a paper with the Board informing it that the above-styled court proceeding was voluntarily dismissed and re-filed with Balance Studio, Inc. named as the plaintiff (instead of Balance Studios, Inc.).¹

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). In the September 3, 2015 filings, neither party provided the Board with a copy of the newly filed complaint.

¹ Petitioner also filed a paper that same day noting the withdrawal of the court proceeding.

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The parties are allowed **ten days** from the date of this order to provide the Board with a copy of the complaint and any other court documents so that the Board may determine if the court proceeding may be dispositive of or have a bearing on this Board proceeding.

Accordingly, Respondent's motion to suspend for civil action is **deferred**.