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

Proceeding	92062364
Party	Defendant Raihana Heuer
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Submission	Motion to Suspend for Civil Action
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In re the matter of:

Trademark Registration Nos:
4078032, 4052051 and 4717526

For the Marks:
KANDUI and KANDUI VILLAS

Anom Suheri, et. al,

Petitioners

v.

Raihana Heuer,

Registrant

Proceeding No.: 92062364

Motion to Suspend Pending Civil Action

Pursuant to 37 C.F.R. 2.117

**TO THE TRADEMARK TRIAL AND APPEAL BOARD, INTERLOCUTORY
ATTORNEY ROBERT COGGINS, PETITIONERS AND THEIR ATTORNEY OF
RECORD:**

The parties to this proceeding are involved in a civil action, *PT Saraina Koat Mentawai, PT Kandui Resort Mentawai, PT Kandui Beach Villas, and Raihana Heuer v. Anthony Marcotti, D3 Holdings, LLC, Joseph Dowling, Raymond Wilcoxon, and Anom Suheri*, Civil Action No. 15-CV-2156-RGK-DFM, which is currently pending in the U.S. District Court for the Central District of California. Pursuant to 37 C.F.R. §2.117(a), Registrant Raihana Heuer respectfully requests suspension of this cancellation proceeding pending before the Board on the ground that the pending civil action may have a bearing on this cancellation proceeding. (See the First Amended Complaint filed in the civil action marked as Exhibit A and attached hereto)

Under 37 C.F.R. §2.117(a), the Board may suspend proceedings in the case before it if the final determination of the other proceeding may have a bearing on the issues before the Board. The civil action is not required to be dispositive of the issues before the Board, rather needs only to have a bearing on the issues. *New Orleans Louisiana Saints LLC v. Who Dat? Inc.*, 99 USPQ2d 1550, 1552 (TTAB 2011).

The relief sought in the civil action includes a judgment of trademark infringement against the Petitioners in this case (See Exhibit A, pages 19-20) and a declaratory judgment by the district court of the Registrant's right to register the KANDUI and KANDUI VILLAS marks and that Registrant's use of the KANDUI and KANDUI VILLAS marks do not infringe any of Petitioners' valid trademark rights (See Exhibit A, page 21-22). Since resolution of the issues in both the civil case and before the Board involve at least a "likelihood of confusion" analysis, the decision in the civil action would have a bearing on the issues of this cancellation proceeding.

“Unless there are unusual circumstances, the Board will suspend proceedings in the case before it if the final determination of the other proceeding may have a bearing on the issues before the Board,” TBMP 510.02(a). Because this is the case here, Registrant respectfully requests that the Board suspend this cancellation proceeding pending termination of the civil action.

Respectfully submitted,

Date: March 28, 2016

/lmhl

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