

ESTTA Tracking number: **ESTTA775389**

Filing date: **10/07/2016**

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

Proceeding	92064297
Party	Defendant Jaguar Land Rover Limited
Correspondence Address	ANESSA OWEN KRAMER BROOKS KRUSHMAN PC 1000 TOWN CTR FL 22 SOUTHFIELD, MI 48075 UNITED STATES drybicki@brookskushman.com, jziegler@brookskushman.com, bktm@brookskushman.com, mwhite@brookskushman.com
Submission	Other Motions/Papers
Filer's Name	Chanille Carswell
Filer's e-mail	ccarswell@brookskushman.com, rcantor@brookskushman.com, lsavage@brookskushman.com, fangileri@brookskushman.com
Signature	/chanille carswell/
Date	10/07/2016
Attachments	Reply to BRP Opposition re suspension - cancellation.pdf(195591 bytes )

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

Bombardier Recreational Products Inc.	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	Cancellation No.: 92064297
Jaguar Land Rover Limited,	)	
	)	
Respondent.	)	

**RESPONDENT’S REPLY IN SUPPORT OF ITS  
REQUEST FOR SUSPENSION**

Petitioner Bombardier Recreational Products, Inc. (“BRP”) has objected to Respondent Jaguar Land Rover Limited’s (“JLR”) request to suspend this proceeding pending the resolution of the related case JLR has filed against BRP in the United States District Court for the Eastern District of Michigan, case number 2:16-cv-13386-GAD-SDD. *See* 6 TTABVUE. In its objections, BRP mainly duplicates arguments related to the Opposition proceeding between JLR and BRP, Opposition No. 91223380. JLR has filed a reply in that Opposition proceeding explaining why BRP’s arguments are insufficient to overcome the Board’s general practice of suspending proceedings in light of related federal court litigation absent “unusual circumstances.” *See* TBMP 510.02(a). JLR incorporates herein the arguments made in its Reply in Support of its Request for Suspension in Opposition No. 91223380.

None of the arguments BRP has made regarding suspending the Opposition proceeding apply to this Cancellation proceeding. BRP filed its Cancellation petition on August 18, 2016. JLR filed its lawsuit approximately one month later. JLR has not yet answered BRP’s petition

and, consequently, there has been no discovery. Also, contrary to BRP's claim that the lawsuit does not address cancellation of the DEFENDER registration, the lawsuit includes a claim for declaratory judgment that JLR's DEFENDER mark has not been abandoned which is the sole basis for BRP's cancellation petition. 13 TTABVUE at Count VI. There is therefore no "unusual circumstance" that would prevent the Board from following its normal practice of suspending this proceeding. *See* TBMP 510.02(a).

Based on the foregoing, as well as for the reasons set forth in JLR's Reply in Support of its Request for Suspension in Opposition No. 91223380, JLR respectfully requests that the Board suspend this proceeding in light of the federal litigation.

Respectfully submitted,

By /s/ Chanille Carswell  
Chanille Carswell  
Jennifer K. Ziegler  
Rebecca Cantor  
*Attorneys for Respondent*

Date: October 7, 2016

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
Phone: 248-358-4400; Fax: 248-358-3351

**CERTIFICATE OF SERVICE**

I certify that I served:

**RESPONDENT'S REPLY IN SUPPORT OF ITS  
REQUEST FOR SUSPENSION**

on October 7, 2016 by:

X delivering (via regular U.S. mail)

a copy to:

James R. Menker  
Holley & Menker PA  
P.O. Box 331937  
Atlantic Beach, Florida 32233-1715

*Attorney for Applicant*

/s/ Chanille Carswell  
Chanille Carswell