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Filing date: **03/04/2019**

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

|                        |   |
|------------------------|---|
| Proceeding             | 87759207  |
| Applicant              | BNG Enterprises, Inc.   |
| Applied for Mark       | SIMPLY SLENDER  |
| Correspondence Address | ANTHONY D. LOGAN<br>VENJURIS PC<br>1928 E OSBORN RD<br>PHOENIX, AZ 85016<br>UNITED STATES<br>pto_adl@venjuris.com<br>602-631-9100 |
| Submission             | Applicant's Motion to Suspend   |
| Attachments            | 2019-03-04 Mot to Suspend word.pdf(98932 bytes )  |
| Filer's Name           | Anthony D. Logan  |
| Filer's email          | pto_adl@venjuris.com  |
| Signature              | /Anthony D. Logan/  |
| Date                   | 03/04/2019  |

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

**In re Application of:**  
BNG Enterprises, Inc.  
**Serial No.:** 87759207  
**Filed:** January 17, 2018  
  
**Mark:** Simply Slender

**Law Office:** 120  
  
**Examiner:** Benjamin Rosen  
  
**Appeal No.**

Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**Motion for Suspension of Appeal**

The Applicant in this matter, BNG Enterprises, Inc., respectfully requests that the Board suspend the current appeal pursuant to 37 C.F.R. §2.117(c) and TBMP §§1231 and 510.03(a). The motion for suspension is supported by the points and authorities listed below.

**Points and Authorities**

Pursuant to §1213 of the Trademark Trial and Appeal Board Manual of Procedure (TBMP), prior to the issuance of the Board's decision in an ex parte appeal, proceedings with respect to the appeal may be suspended by the Board upon written request by applicant showing good cause for the suspension.<sup>1</sup> Good cause for suspension is shown when a registration cited as a reference under Section 2(d) of the Trademark Act against an applicant's mark will soon be due for an affidavit of continued use under Section 8 of the Trademark Act and/or an application for renewal under Section 9 of the Trademark Act.<sup>2</sup> The Board can suspend the proceeding pending a determination of whether the cited registration will continue in existence or will expire.<sup>3</sup> When the applicant requests a suspension based on the possibility that the cited registration will expire for failure to file a declaration of use, the Board will generally grant the request if the Board acts on the request

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<sup>1</sup> See, 37 C.F. R. §2.117(c) and TBMP §1213 (Suspension of Appeal).

<sup>2</sup> See, TBMP §1213 (Suspension of Appeal).

<sup>3</sup> See, *Id.*

after the 5<sup>th</sup> anniversary of the issue date.<sup>4</sup> A six (or twelve) month time period for suspension is often times deemed appropriate by the Board.<sup>5</sup>

Here, Applicant respectfully requests that the Board suspend the current proceeding. The mark cited against the Applicant's pending registration is "Simply Slender" (Reg. No. 4421383). The cited mark was registered on Nov. 5, 2013 and will be due for its Declaration of Use on Oct. 22, 2019.<sup>6</sup> Therefore, this request to suspend the current proceeding is after the 5<sup>th</sup> anniversary of the cited registration's issue date. Given that the owner of this mark is out of business by judicial process, it is likely that this mark and all of the other cited marks will be cancelled. As such, the Applicant requests that the Board suspend the current proceeding for at least eight (8) months pending a determination of whether the cited registration will in fact be renewed.

Respectfully submitted 03/04/2019

By  /Anthony D. Logan/

Anthony D. Logan  
Venjuris P.C.  
1938 E. Osborn Road  
Phoenix, Arizona 85016  
Tel: 602-631-9100  
Fax: 602-631-4529

Attorneys for Applicant

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<sup>4</sup> *See, Id.*

<sup>5</sup> *See*, TBMP §510.03(a) (Suspension) (stating that the Board may suspend proceedings for a specified time, usually six months).

<sup>6</sup> The Declaration of Use of the cited mark is due by Nov. 5, 2019..