

ESTTA Tracking number: **ESTTA1212850**

Filing date: **06/02/2022**

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

Ex parte appeal no.	88819320
Appellant	Nicholas Argenziano
Applied for mark	ARGENT PLUMBING, HEATING & AIR CONDITIONING
Correspondence address	JAMES KLOBUCAR GEARHART LAW LLC 41 RIVER ROAD SUMMIT, NJ 07901 UNITED STATES Primary email: james@gearhartlaw.com Secondary email(s): ustmdocket@gearhartlaw.com 908-273-0700
Submission	Motion for suspension
Attachments	88819320 - Motion to Suspend - AES 6.2.2022.pdf(89029 bytes)
Filer's name	James Klobucar
Filer's email	james@gearhartlaw.com, ustmdocket@gearhartlaw.com
Signature	/James Klobucar/
Date	06/02/2022

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

Nicholas Argenziano,
Applicant.

Serial No. 88819320

Mark: ARGENT PLUMBING, HEATING & AIR
CONDITIONING

REQUEST FOR SUSPENSION UNDER TBMP §1213

The Applicant hereby requests suspension of the current TTAB appeal, pursuant to TBMP §1213, for the purposes of submission of a trademark consent and co-existence agreement with the USPTO.

On December 3, 2020, Applicant first engaged attorney Mark Koffsky to seek a trademark consent agreement with Mr. Koffsky's client, Onofrio Argento, current owner of U.S. Trademark Registration No. 4849645 and U.S. Trademark Registration No. 4849648, to register "ARGENT PLUMBING, HEATING & AIR CONDITIONING" (U.S. Trademark Application No. 88819320) as a trademark. Upon speaking with Attorney Mark Koffsky, and agreement by client Onofrio Argento, the undersigned prepared a trademark consent agreement to be executed by both parties. The trademark consent and co-existence agreement was transmitted to Mark Koffsky on May 21, 2021. We are still awaiting review and execution of this trademark consent agreement by Onofrio Argento. We have also contacted the Trademark Examining Attorney, as well as her supervisor regarding this trademark consent agreement on August 12, 2021.

Pursuant to TBMP §1213, 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 the Applicant showing good cause for the requested suspension. TBMP § 510.

The Board may suspend proceedings in an appeal, at the request of the Applicant, in the following situations listed below:

Proceedings in an *ex parte* appeal may be suspended by the Board if the application is remanded to the examining attorney, as, for example, for (1) consideration of an amendment to the application, or (2) consideration of a request for reconsideration of a final action, or (3) assertion of a new ground of refusal, or (4) submission of additional evidence or (5) to consider the effect of a decision in another Board proceeding, appeal or civil action that may have a direct bearing on the issues in the appeal. See TBMP § 1202.02, TBMP § 1203.02(a), TBMP § 1203.02(b), TBMP § 1204, TBMP § 1205, TBMP § 1206.01, TBMP § 1207.02, TBMP § 1207.06, and TBMP § 1209.

In this case the above subsection (4) applies – submission of additional evidence. The Applicant will be submitting shortly a consent to register the aforementioned application, based on the trademark consent and co-existence agreement, which the Applicant and the owner of the cited registration will be signing.

The Board has authority under Section 1213 of the Trademark Trial and Appeal Board Manual of Procedure to suspend an appeal where a registration cited under Section 2(d) is due “or will soon be due” for an affidavit of continued use (or excusable nonuse) under Section 8 of the Trademark Act. *See* TBMP § 1213. As such, Applicant request suspension of the current TTAB appeal until a determination as to whether the cited registrations will continue in existence or will be cancelled.

WHEREFORE, Applicant respectfully requests that the subject appeal be suspended for the signing of the trademark consent and co-existence agreement.

Dated: June 2, 2022

Respectfully submitted,

By: /s/James Klobucar

James Klobucar
Gearhart Law LLC
41 River Road
Summit, NJ 07901
(908) 273-0700

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Request for Suspension was forwarded by email to the USPTO Examiner on this application, Andrea B. Cornwell, at andrea.cornwell@uspto.gov on this June 2, 2022.

By: /s/James Klobucar
Name: James Klobucar