

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: February 16, 2006

Opposition No. **91167196**

Spirits International, N.V.

v.

Russian Federal Treasury
Enterprise Sojuzplodoimport

Peter Cataldo, Attorney:

This case now comes before the Board for consideration of opposer's motion (filed on January 13, 2006) to suspend proceedings pending the outcome of a civil action.¹ Applicant has filed a brief in opposition thereto.²

The Board has carefully considered the arguments of both parties with regard to the above motion. However, an exhaustive review of those arguments would only serve to delay the Board's disposition of this matter.

Whenever it comes to the attention of the Board that the parties to a case pending before it are involved in a civil action, proceedings before the Board may be suspended

¹ Civil Action No. 04-08510(GBD), filed on October 28, 2004 in the United States District Court for the Southern District of New York.

² The Board is exercising its discretion to come to a determination of opposer's motion prior to the expiration of its

until final determination of the civil action. See Trademark Rule 2.117(a); and *General Motors Corp. v. Cadillac Club Fashions Inc.*, 22 USPQ2d 1933 (TTAB 1992). Suspension of a Board case is appropriate even if the civil case may not be dispositive of the Board case, so long as the ruling may have a bearing on the rights of the parties in the Board case. See *Martin Beverage Co. Inc. v. Colita Beverage Company.*, 169 USPQ 568, 570 (TTAB 1971).

In this case, the parties to the instant opposition include the parties to Civil Action No. 04-08510. Further, the issues before the Court in the civil action include, *inter alia*, opposer's rights in its asserted marks STOLICHNAYA RUSSIAN VODKA and design and MOSKOVSKAYA RUSSIAN VODKA and design. As a result, the Court's determination in the civil case may include a determination of opposer's rights to those asserted marks. Any such determination of opposer's rights to its asserted marks in the civil action will have a bearing on the issues before the Board. Moreover, to the extent that a civil action in a Federal district court involves issues in common with those in a proceeding before the Board, the decision of the Federal district court is binding upon the Board, while the decision of the Board is not binding upon the court. See, for example, *Goya Foods Inc. v. Tropicana Products Inc.*, 846

time in which to file a reply brief with regard thereto. See

F.2d 848, 6 USPQ2d 1950 (2d Cir.1988); and *American Bakeries Co. v. Pan-O-Gold Baking Co.*, 650 F Supp 563, 2 USPQ2d 1208 (D.Minn. 1986).

In view of the foregoing, and in the interest of judicial economy and consistent with the Board's inherent authority to regulate its own proceedings to avoid duplicating the effort of the court and the possibility of reaching an inconsistent conclusion, **proceedings herein are suspended** pending final disposition of the civil action involving the parties.

Within twenty days after the final determination of the civil action, the interested party should notify the Board so that this case may be called up for appropriate action. During the suspension period the Board should be notified of any address changes for the parties or their attorneys.