

ESTTA Tracking number: **ESTTA427410**

Filing date: **08/26/2011**

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

Proceeding.	91201120
Applicant	Defendant Credit Union National Forms Association, Inc.
Other Party	Plaintiff Credit Union National Association, Inc.

Motion for Suspension in View of Civil Proceeding With Consent

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Credit Union National Forms Association, Inc. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Credit Union National Forms Association, Inc. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Credit Union National Forms Association, Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,
/Jason Witten/
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08/26/2011

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

In the matter of trademark application Serial No. 85/153,461
For the mark CUNFA
Published in the Official Gazette on April 12, 2011

CREDIT UNION NATIONAL ASSOCIATION)	
INC.,)	
)	
Plaintiff-Opposer,)	
)	
vs.)	Opposition No. 91201120
)	
CREDIT UNION NATIONAL FORMS)	
ASSOCIATION, INC.)	
)	
Defendant-Applicant.)	
)	

STIPULATION TO SUSPEND OPPOSITION

The parties to the above-captioned Opposition proceeding hereby submit for the consideration of the Board, this Stipulation to Suspend this Opposition proceeding pending the final determination of a related civil action, and respectfully request an order thereon. TBMP 510.02(a).

The parties are involved in a pending civil action in the United States District Court for the District of Columbia which may have a dispositive bearing on the above captioned Opposition entitled *Credit Union National Forms Association, Inc. v. Credit Union National Association, Inc.*, Case No. 1:11-CV-00127-ABJ (the “Civil Action”). In the Civil Action, Credit Union National Forms Association, Inc. (“CUNFA”) seeks a declaratory judgment that its acronym “CUNFA” does not infringe Credit Union National Association, Inc.’s (“CUNA”) “CUNA” trademark, U.S. Reg. No. 1,234,837. Thus, the Civil Action involves

issues of likelihood of confusion which are common with those issues in the present Opposition proceeding. CUNA has filed a counter claim for statutory and common law trademark infringement and unfair competition based on CUNFA's use of the CUNFA acronym. CUNFA and CUNA are the parties to both the Civil Action and these Opposition proceedings. The marks at issue in both the Civil Action and these Opposition proceedings are "CUNFA" and "CUNA".

Pursuant to TBMP §510.02(a), "Whenever it comes to the attention of the Board that a party or parties to a case pending before it are involved in a civil action which may have a bearing on the Board case, proceedings before the Board may be suspended until final determination of the civil action." 37 CFR § 2.117(a). *See General Motors Corp. v. Cadillac Club Fashions Inc.*, 22 USPQ2d 1933 (TTAB 1992); *Toro Co. v. Hardigg Industries, Inc.*, 187 USPQ 689 (TTAB 1975), *rev'd on other grounds*, 549 F.2d 785, 193 USPQ 149 (CCPA 1977); *Other Telephone Co. v. Connecticut National Telephone Co.*, 181 USPQ 125 (TTAB 1974); *petition denied*, 181 USPQ 779 (Comm'r 1974); *Tokaido v. Honda Associates Inc.*, 179 USPQ 861 (TTAB 1973); and *Whopper-Burger, Inc. v. Burger King Corp.*, 171 USPQ 805 (TTAB 1971).

Subject to the approval of the Board, parties may stipulate to a wide variety of matters. TBMP §501.01. When a motion to suspend pending the outcome of a civil action is filed, the Board normally will require that a copy of the pleadings from the civil action be submitted, so that the Board can ascertain whether the final determination of the civil action may have a bearing on the issues before the Board. *See Forest Laboratories Inc. v. G.D. Searle & Co.* 52 USPQ2d 1058 (TTAB 1999); and *SCOA Industries Inc. v. Kennedy & Cohen, Inc.*, 188 USPQ 411 (TTAB 1975), *appeal dismissed*, 189 USPQ 15 (CCPA 1976).

This requirement ordinarily is waived if all parties consent to the suspension. *See* TBMP §502.

In the present case, the parties have stipulated to suspension, and therefore a copy of the pleadings from the Civil Action have not been provided. The parties will promptly supplement this Stipulation with the pleadings should the Board so request.

Wherefore the premises considered, the parties respectfully request the Board suspend the above captioned Opposition proceeding until final determination of the Civil Action.

Dated: August 26, 2011

Respectfully Submitted,

/Jason Witten/

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon counsel for all parties in this proceedings by email, pursuant to the agreement of the parties, on August 26, 2011.

/Jason Witten/