

ESTTA Tracking number: **ESTTA460235**

Filing date: **03/06/2012**

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

Proceeding	91203351
Party	Plaintiff Dorfman-Pacific Co., Inc.
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Submission	Motion to Suspend for Civil Action
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Date	03/06/2012
Attachments	DORFMANPleadMemoSupMotStayTTAB-3-6-2011.pdf (3 pages)(42638 bytes)

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

DORFMAN-PACIFIC CO., INC.,)	
)	
Opposer,)	Opposition No.: 91203351
)	
v.)	Application No.: 85/431,679
)	
GMA ACCESSORIES, INC.,)	Mark: CAPELLI
)	
Applicant.)	

**MEMORANDUM IN SUPPORT OF MOTION TO STAY PENDING
OUTCOME OF DISTRICT COURT PROCEEDINGS**

I. RECITATION OF FACTS

Applicant GMA Accessories (“GMA”) filed a lawsuit in federal court in *GMA Accessories, Inc. v. Dorfman-Pacific Co., Inc.*, Civil Case No. 11-CV- 3731 (KBF), which is now pending in the United States District Court for the Southern District of New York. See, Declaration of Michael Cronen In Support Of Motion To Stay, Exhibit A (GMA’s First Amended Complaint), and Exhibit B (Dorfman-Pacific’s Answer and Counterclaims), filed herewith and incorporated herein.

II. STATEMENT OF THE ISSUE

The Board should stay these proceedings pending the outcome of the district court case filed by Opposer against Applicant in the U.S. District Court For the Southern District of New York.

IV. ARGUMENT

“It is standard procedure for the Trademark Board to stay administrative proceedings pending the outcome of court litigation between the same parties involving related issues.”

McCarthy On Trademarks, supra, §32:47, p. 32-109. For example, the Trademark Board Manual state that: “[o]rdinarily, the Board will suspend proceedings in the case before it if the final determination of the other proceeding will have a bearing on the issues before the Board.”

T.B.M.P. Rule 510.02(a).

In the present case, GMA filed substantially the same claims, regarding the same alleged trademarks, in the district court which are also the subject of the present opposition proceeding. As can be seen from Exhibit A and Exhibit B to the Cronen Declaration submitted herewith, there is no question the district court action filed by GMA is between the same parties and involves the same trademarks and the same issues (as well as additional issues), such that the final determination by the district court will have a bearing on the issues before the Board in this opposition proceeding.

V. CONCLUSION

_____ For the foregoing reasons, the Board should grant the present motion and stay these proceedings pending the outcome in *GMA Accessories, Inc. v. Dorfman-Pacific Co., Inc.*, Civil Case No. 11-CV- 3731 (KBF), in the United States District Court for the Southern District of New York.

Respectfully submitted,

Dated: March 6, 2012

By: /s/ Michael James Cronen
Michael James Cronen

CERTIFICATE OF SERVICE

Opposition No.: 91203351
Application No.: 85/431,679
Mark: CAPELLI

I, Michael J. Cronen, hereby certify that this paper [**MEMORANDUM IN SUPPORT OF MOTION TO STAY PENDING OUTCOME OF DISTRICT COURT PROCEEDINGS**] is being deposited with the United States Postal Service on March 6, 2012, postage pre-paid, addressed to the following:

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