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

Proceeding	91214657
Party	Defendant Card, Richard, Card, Jill
Correspondence Address	MARCUS STEPHEN HARRIS MARCUS STEPHEN HARRIS LLC 3500 CHASE PLAZA 10 S LASALLE STREET CHICAGO, IL 60603 UNITED STATES mharris@mshtechlaw.com, trademarks@mshtechlaw.com
Submission	Other Motions/Papers
Filer's Name	Megan Hoggatt
Filer's e-mail	mhoggatt@mshtechlaw.com, mharris@mshtechlaw.com, trademarks@mshtechlaw.com
Signature	/s/ Megan Hoggatt
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Top Shop/Top Man Limited,
Opposer,

v.

Jill Card and Richard Card,
Applicants.

Opposition No. 91214657

**APPLICANTS' REPLY TO OPPOSER'S
UNCONSENTED MOTION TO SUSPEND**

On October 15, 2014, Top Shop/Top Man Limited (“Opposer”) filed an unconsented motion to suspend this proceeding for thirty (30) days to allow it to file a response to Applicants’ 3 ½ page Motion to Dismiss filed almost 6 months ago. Applicants have not stipulated to Opposer’s latest suspension request, and Opposer has failed to show good cause for any further suspension. Applicants respectfully request that the Board deny Opposer’s request to further delay this proceeding.

Opposer is a large multinational corporation with legal teams on at least two continents. Opposer monitors the USPTO database and then engages in a program of threatening to oppose or litigate against applicants who dare to include in their applications any words found in Opposer’s applications or registrations – regardless of whether any likelihood of confusion with Opposer’s marks exists. To date, Opposer has used its trademark rights to harass and intimidate Applicants beyond what the law allows.

While the parties have engaged in settlement discussions, Opposer has been

unwilling to agree to any outcome other than the wholesale abandonment by Applicants of their trademark application. Yet, conversations with Opposer's UK legal team suggest that Opposer itself does not believe that Applicants' application poses a serious threat to Opposer's trademark rights. Applicants are unwilling to acquiesce to Opposer's demands.

The cavalier attitude with which Opposer has prosecuted this Opposition is evidenced by the fact that the only substantive communication from Opposer has come when an extension is about to expire. Since Applicants filed their Motion To Dismiss – almost 6 months ago - Opposer has had more than ample time and opportunity to prepare its response. Opposer has not demonstrated any justification or good cause to delay the proceedings. Further delays are unnecessary, increase Applicants' costs, prevent Applicants from having certainty regarding the state of their business name and associated marketing efforts and promote Opposer's in terrorem litigation tactics.

For the reasons stated above, Applicants respectfully request that the Board deny Opposer's request for an unconsented suspension.

Respectfully submitted,

<u>/s/ Marcus S. Harris</u>	<u>10/27/24</u>
Marcus Stephen Harris	Date
Attorney for Jill Card and Richard Card	
Marcus Stephen Harris LLC	
3500 Chase Plaza, 10 S. LaSalle Street,	
Chicago, Illinois 60603	
Phone: (312) 263-0570	
Fax: (312)-577-0928	
Email: mharris@mshtechlaw.com	

CERTIFICATE OF TRANSMISSION

I hereby certify that a true and correct copy of the foregoing APPLICANTS' REPLY TO OPPOSER'S UNCONSENTED MOTION TO SUSPEND was electronically transmitted to the Trademark Trial and Appeal Board on October 27, 2014.

Date: 10/27/14

By: /s/ Megan Hoggatt
Megan Hoggatt

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing APPLICANTS' REPLY TO OPPOSER'S UNCONSENTED MOTION TO SUSPEND was served by first class mail, postage prepaid on October 27, 2014, as follows:

Carolyn M. Passen, Esq.
Katten Muchin Rosenman LLP
525 W. Monroe Street
Chicago, IL 60661
312-902-5200

Date: 10/27/14

By: /s/ Marcus S. Harris
Marcus Stephen Harris