

UNITED STATES PATENT AND TRADEMARK OFFICE  
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RSC/vw

July 17, 2020

Opposition No. 91234074

*Southwestern Management, Inc.*

*v.*

*Ocinomled, Ltd.*

**Rebecca Stempien Coyle, Interlocutory Attorney:**

On June 16, 2020, Applicant notified the Board that the civil action which occasioned the suspension of this proceeding<sup>1</sup> has been dismissed, but moved to suspending proceedings pending final resolution of a second civil action filed in the Supreme Court of the State of New York for the County of New York, styled, *Grgurev, et al. v. Licul, et al.*, Index No. 157551/2019 (the “state civil action”).<sup>2</sup> On June 18, 2020, Opposer filed its consent to the motion.

The motion to suspend proceedings pending final determination of the state civil action is granted as well taken. It is the policy of the Board to suspend proceedings

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<sup>1</sup> Civil Action No. 1:15-cv-09805-GHW in the United States District Court for the Southern District of New York.

<sup>2</sup> Applicant filed its motion twice on June 16, 2020. 16 TTABVUE and 17 TTABVUE. The two motions appear to be identical. However, the second filed motion supersedes its original motion to suspend, which will be given no further consideration.

when the parties are involved in a civil action, which may be dispositive of or have a bearing on the Board case. *See* Trademark Rule 2.117(a).

Accordingly, proceedings remain **suspended** pending final determination of the state civil action. *See* Trademark Rule 2.117(a).

Within twenty days after such final determination, the parties shall notify the Board so that this proceeding may be called up for appropriate action.<sup>3</sup> Such notification to the Board should include a copy of any final order or final judgment which issued in the state civil action.

During the suspension period, the parties shall notify the Board of any address or email address changes for the parties or their attorneys. In addition, the parties are to promptly inform the Board of any other related cases, even if they become aware of such cases during the suspension period. Upon resumption, if appropriate, the Board may consolidate related Board cases.

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<sup>3</sup> A proceeding is considered to have been finally determined when an order or ruling that ends litigation has been rendered, and no appeal has been filed, or all appeals filed have been decided and the time for any further review has expired. *See* TBMP § 510.02(b).