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Filing date: **03/05/2018**

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

Proceeding	91237763
Party	Plaintiff Holy City Skin Products, LLC
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Date	03/05/2018
Attachments	Opposition to Motion to Suspend.pdf(18469 bytes )

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

Holy City Skin Products, LLC,	)	Opposition No. 91237763
	)	
Opposer	)	Trademark App. No. 87/250,354
	)	
v.	)	Mark: MISCELLANEOUS DESIGN
	)	
Secret of the Islands, Inc.,	)	Published in the <i>Official Gazette</i> on
	)	October 31, 2017.
Applicant.	)	

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**OPPOSER’S OPPOSITION TO APPLICANT’S MOTION TO SUSPEND**

Opposer Holy City Products, LLC, respectfully opposes Applicant’s Motion to Suspend. Opposer acknowledges the pendency of litigation in the U.S. District Court for the District of South Carolina, captioned *Secret of the Islands, Inc. v. Hyman’s Seafood Company, Inc., Eli Hyman, Aaron Hyman, Brad Gena, Holy City Skin Products, Inc., U.S. Foods, Inc., USA Distribution, LLC*, C.A. No. 2:17-cv-00342-DCN, filed February 3, 2017 (the “Action”).

However, in the Action Secret of the Islands, Inc. asserted claims against parties, including individuals, who are uninvolved in this Proceeding, and claims that differ from the issues in this Proceeding. The defendants in the Action, including Holy City Skin Products, filed a Motion to Dismiss the Action on several grounds in March 3, 2017. Applicant defended the Motion, in part, citing its pending applications for registration. The Court has not ruled on the Motion to Dismiss.

Suspending this Proceeding may adversely affect those defendants who have been sued by the Applicant in the Action, in that the Applicant may cite its pending applications as support for the existence of bona fide trademarks, and thus bootstrap its otherwise baseless allegations, prolonging the Action for parties without standing in the Proceeding.

For these reasons, Opposer opposes Applicant's Motion to Suspend.

Respectfully submitted,

/Natalma M. McKnew/

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Dated: March 5, 2018

*ATTORNEYS FOR OPPOSER HOLY CITY SKIN  
PRODUCTS, LLC*

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_____ Applicant.	)	

**CERTIFICATE OF MAILING**

I hereby certify that a true and complete copy of the foregoing OPPOSER’S OPPOSITION TO APPLICANT’S MOTION TO SUSPEND has been served on Applicant Secret of the Island, Inc. on March 5, 2018 via email and U.S. Mail, postage prepaid to:

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