

ESTTA Tracking number: **ESTTA946170**

Filing date: **01/08/2019**

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

Proceeding No.	91242454
Filing Party	Plaintiff The Reinalt-Thomas Corporation
Other Party	Defendant Mavis Tire Supply LLC
Pending Motion	Yes, there is a motion currently pending or another motion is being filed concurrent with this consent motion.
Attachments	Consent Motion to Suspend Proceedings and Stipulated EOT.pdf(127660 bytes )

### **Consent Motion for Suspension in View of Civil Proceeding**

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, The Reinalt-Thomas Corporation hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

The Reinalt-Thomas Corporation has secured the express consent of all other parties to this proceeding for the suspension requested herein.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this filing has been served upon all parties, at their address of record by Email on this date.

Respectfully submitted,

/Brian W. LaCorte/

Brian W. LaCorte

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01/08/2019

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

In the Matter of Application Serial Nos. 87/570,980 and 87/585,780  
For the Marks: MAVIS DISCOUNT TIRE & Design and  
MAVIS DISCOUNT TIRE & Design  
Published in the *Official Gazette* on March 20, 2018  
Opposition Filed on July 17, 2018

The Reinalt-Thomas Corporation,

Opposer,

v.

Mavis Tire Supply LLC,

Applicant.

Opposition No. 91242454

**Consent Motion to Suspend Pursuant to TBMP § 510.02(a)**

Opposer The Reinalt-Thomas Corporation (d/b/a “Discount Tire”) requests with the express consent of Applicant Mavis Tire Supply LLC that the Board suspend these opposition proceedings because they are involved in a civil action that may have a bearing on the Board case. Both parties request that the Board suspend this proceeding until final determination of the civil action.

Suspension is appropriate because Opposer filed (on December 26, 2018) a civil action against Applicant in the United States District Court for the Northern District of Georgia, alleging that Applicant’s use of the applied for (and opposed) MAVIS DISCOUNT TIRE marks infringes Opposer’s DISCOUNT TIRE marks. *Reinalt-Thomas Corporation v. Mavis Tire Supply, LLC*, USDC NDGA Case No. 1:18-cv-05877-TCB. The outcome of the district court litigation may have a bearing on the pending proceedings before the Board.

In addition, to the extent Applicant withdraws its currently pending motion to dismiss in view of this consent motion to suspend the proceedings, the parties stipulate to a sixty-day extension of the time from the date of the withdrawal of the motion to dismiss for Applicant to answer or otherwise respond to these oppositions.

Respectfully submitted,

Mavis Tire Supply LLC

By: /s/ Brian W. LaCorte  
Brian W. LaCorte  
BALLARD SPAHR LLP

*Counsel for The Reinalt-Thomas  
Corporation*

January 8, 2019

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

In the Matter of Application Serial Nos. 87/570,980 and 87/585,780  
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v.

Mavis Tire Supply LLC,

Applicant.

Opposition No. 91242454

**CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2019, I served the foregoing CONSENT MOTION TO SUSPEND PURSUANT TO TBEP 510.02(a) on counsel for the Applicant, via email, at the following address:

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/s/ Brian W. LaCorte

Brian W. LaCorte

*Counsel for The Reinalt-Thomas Corporation*