

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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January 29, 2019

Opposition No. 91242454

The Reinalt-Thomas Corporation

v.

Mavis Tire Supply LLC

Victoria von Vistauxx, Paralegal Specialist:

Motion to Suspend Pending Civil Action

Opposer's consented motion, filed January 8, 2019, to suspend this proceeding pending final disposition of the Civil Action No. 1:18-cv-05877-TCB, filed in the United States District Court for the Northern District of Georgia, is granted. Trademark Rule 2.117.

A review of Opposer's motion reveals that Opposer has not submitted a copy of its pleadings in the civil action with the motion to suspend. Accordingly, Opposer is allowed until **twenty days from the date of this order** in which to file a copy of the pleadings.

Proceedings are **suspended** pending final disposition of the civil action.

Within **twenty days** after the final determination of the civil action, the parties shall so notify the Board so that this proceeding may be called up for appropriate

action.¹ Such notification to the Board should include a copy of any final order or final judgment which issued in the civil action.

Applicant's Motion to Withdraw Motion to Dismiss

On December 21, 2018, Applicant filed a motion to dismiss for failure to state a claim upon which a relief could be granted, or alternatively to strike the portions of Opposer's pleading. 9 TTABVUE.

On January 9, 2019, Applicant, in light of the civil action filed in the United District Court for the Northern District of Georgia, filed a request to withdraw without prejudice, its December 21, 2018 motion to dismiss.

In view thereof, Applicant's motion to withdraw its December 21, 2018 motion, is granted. The said motion is dismissed without prejudice and will receive no further consideration.

¹ 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).