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

Proceeding	91247095
Party	Defendant Stardock Systems, Inc.
Correspondence Address	DAVID L. MAY NIXON PEABODY LLP 799 9TH STREET NW, SUITE 500 WASHINGTON, DC 20001 nptm@nixonpeabody.com no phone number provided
Submission	Motion to Suspend for Civil Action
Filer's Name	Jennette E. Wiser
Filer's email	nptm@nixonpeabody.com, was.managing.clerk@nixonpeabody.com, dmay@nixonpeabody.com, rweikert@nixonpeabody.com, jwiser@nixonpeabody.com
Signature	/Jennette E. Wiser/
Date	04/23/2019
Attachments	Stipulated Motion to Suspend Proceeding - Opp No 91247095 - FWIFFO.pdf(131045 bytes)

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

In the Matter of:
Application Serial No.: 88/016,354
Mark: FWIFFO
Published in the Official Gazette: November 20, 2018

Paul Reiche III,)	
)	
)	
Opposer,)	
)	Opposition No. 91247095
v.)	Appln. Serial No. 88/016,354
)	
Stardock Systems, Inc.,)	
)	
Applicant.)	

STIPULATED MOTION TO SUSPEND OPPOSITION PENDING FINAL
DETERMINATION OF CIVIL ACTION

Pursuant to 37 C.F.R. § 2.117(a) and TMBP § 510.02(a), Applicant Stardock Systems, Inc. and Opposer Paul Reiche III hereby stipulate to the suspension of the above-captioned Opposition pending the final determination of the related civil action titled *Stardock Systems, Inc. v. Paul Reiche III, et al.*, Case No. 4:17-cv-07025-SBA, currently pending before the U.S. District Court for the Northern District of California (“Civil Action”). True and correct copies of the Third Amended Complaint and Second Amended Counterclaim in the Civil Action are attached hereto as Exhibit A. The subject application in this Opposition is also subject to the Civil Action and such case may have a bearing on the outcome of this proceeding. Thus, the Opposition should be suspended pending disposition of the Civil Action. *See* 37 C.F.R. § 2.117(a) (“Whenever it shall come to the attention of the Trademark Trial and Appeal Board that a party or parties to a pending case are engaged in a civil action or another Board

proceeding which may have a bearing on the case, proceedings before the Board may be suspended until termination of the civil action or the other Board proceeding.”); TMBP § 510.02(a) (same).

Accordingly, the parties respectfully request that the Trademark Trial and Appeal Board enter this Stipulated Motion suspending the Opposition pending the disposition of the Civil Action.

Respectfully submitted,

NIXON PEABODY LLP

By: /Jennette E. Wiser/
David L. May
Robert A. Weikert
Jennette E. Wiser
799 9th Street NW, Suite 500
Washington, DC 20001
(202) 585-8000 (Phone)
(202) 585-8080 (Facsimile)
nptm@nixonpeabody.com
was.managing.clerk@nixonpeabody.com
dmay@nixonpeabody.com
rweikert@nixonpeabody.com
jwiser@nixonpeabody.com

Counsel for Stardock Systems, Inc.

Date: April 23, 2019

MARK S. PALMER

By: /Mark S. Palmer/
Mark Palmer
4 Meadow Drive
Mill Valley, CA 94941
(415) 336-7002 (Phone)
mark@palmerlex.com

Counsel for Paul Reiche III

Date: April 18, 2019

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2019, I caused to be served via electronic mail a true and correct copy of the foregoing Stipulated Motion to Suspend on Opposer through his counsel of record, as follows:

Mark Palmer
4 Meadow Drive
Mill Valley, CA 94941
(415) 336-7002 (Phone)
mark@palmerlex.com

/Jennette E. Wiser/

Jennette E. Wiser