

ESTTA Tracking number: **ESTTA1015058**

Filing date: **11/12/2019**

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

Proceeding	91251369
Party	Defendant Melissa A. Wilson
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Submission	Motion to Suspend for Civil Action
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Date	11/12/2019
Attachments	00277243.PDF(43652 bytes )

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

In re Matter of:

U.S. Trademark Application Serial No. 88/304158

For: EVER ARGUE WITH A WOMAN?

Filed: February 15, 2019

Date of Publication in *Official Gazette*: June 4, 2019

Tessmer Law Firm PLLC,

Opposer,

v.

Melissa A. Wilson,

Applicant.

Opposition No. 91251369

**APPLICANT’S MOTION TO SUSPEND PENDING OUTCOME OF CIVIL ACTION**

Applicant respectfully requests the Board suspend Opposition No. 91251369 pursuant to 37 C.F.R. § 2.117(a). Applicant Melissa A. Wilson and Opposer Tessmer Law Firm, PLLC are involved in the civil action *Melissa A. Wilson v. Tessmer Law Firm, et. at.*, No. 5:18-cv-1056-DAE (“Civil Action”) pending in the United States District Court for the Western District of Texas. The Civil Action involves, *inter alia*, the parties’ respective rights in the EVER ARGUE WITH A WOMAN? trademark, and therefore may have a bearing on this opposition proceeding. Accordingly, suspension of this opposition proceeding pursuant to 37 C.F.R. § 2.117(a) is appropriate. *See* 37 C.F.R. § 2.117(a); *see also* *Monster Energy Co. v. Martin*, 2018 TTAB LEXIS 71, \*10, 125 U.S.P.Q.2D (BNA) 1774, 1778 (TTAB 2018) (“[I]t is the policy of the Board to suspend proceedings when the parties are involved in a civil action which may be

dispositive or have a bearing on the Board proceeding.”).

A copy of the live pleadings in the Civil Action are attached hereto as **Exhibit A** (Plaintiff’s Original Complaint), and **Exhibit B** (Defendants’ Amended Answer to Plaintiff’s Original Complaint, Affirmative Defenses, and Counterclaims).

Opposer does not oppose suspension of this opposition proceeding pending outcome of the Civil Action.

**PRAYER**

Applicant respectfully requests the Trademark Trial and Appeal Board suspend Opposition No. 91251369 pending resolution of the Civil Action between the parties.

Date: November 12, 2019

Respectfully submitted,

By: /s/John C. Cave

John C. Cave

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served on the following counsel of record via email to:

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**ATTORNEYS FOR OPPOSER**

*/s/ John C. Cave*