

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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July 2, 2020

Opposition No. 91253736

Dell Inc., EMC Corporation

v.

Nexsan Technologies

Ann Linnehan, Interlocutory Attorney

This case now comes up for consideration of Opposer's motion (filed on March 30, 2020) to suspend this case pending disposition of an action pending in the United States District Court of Massachusetts.¹ The motion is fully briefed.

Trademark Rule 2.117(a) provides that “[w]henever it shall come to the attention of the ... Board that a party or parties to a pending case are engaged in a civil action...which may have a bearing on the case, proceedings before the Board may be suspended until termination of the civil action.”

After carefully reviewing the civil action papers submitted with the present motion, the Board finds that the civil court's decision may have a bearing upon the above-captioned proceeding in that the federal action decision may ultimately determine or have an impact on Applicant's alleged rights to use the subject mark. In the interest of judicial economy, and consistent with the Board's inherent authority

¹ Civil Action No. 1:16-cv-10847-WGY.

to regulate its proceedings to avoid duplicating the efforts of the district court and the possibility of reaching an inconsistent conclusion, suspension is appropriate. See TBMP Section 510 (2018).

In view thereof, the motion to suspend is hereby granted. Proceedings herein are suspended pending a final determination of the civil court, including any and all appeals and remands.

In further view thereof, the consented motion to suspend this case for thirty days (filed on April 13, 2020) is moot.

Within twenty days after the civil court's determination, the parties should notify the Board so that this case may be called up for appropriate action.

During the suspension period the Board should be notified of any address changes for the parties and their attorneys.