

ESTTA Tracking number: **ESTTA1216268**

Filing date: **06/17/2022**

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

Proceeding no.	91254524
Party	Plaintiff 34ED, LLC
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Submission	Other Motions/Submissions
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Date	06/17/2022
Attachments	Opposers Response Requesting Continued Suspension 91254524.pdf(123458 bytes)

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

34ED, LLC,)	
)	
Opposer)	
)	
v.)	Opp. No. 91254524
)	
ALERTPOINT, LLC,)	(Serial No. 88/255756)
)	
Applicant)	
)	
_____)	

OPPOSER’S RESPONSE REQUESTING CONTINUED SUSPENSION
IN VIEW OF CIVIL ACTION

The Opposer, 34ED, LLC, hereby submits this response to the Board’s Order (the “Order”) issued on May 18, 2022 as follows:

The Order allowed the parties 30 days to inform the Board of the status of the civil action which occasioned the suspension of this proceeding and to provide a copy of the pleadings in the civil action. The status of the civil action is that the parties have agreed to settle the underlying litigation, which the Court has stayed pending certain approvals related to the Georgia state-court probate process because David Allen, both a former officer of Applicant, AlertPoint, LLC, and a litigant in his individual capacity, has passed away and his will is contested.

Therefore, it is believed that judicial economy will be served by continued suspension of the Opposition until final disposition of the civil action, which the parties have agreed to settle subject to the Georgia state-court probate process.

Opposer has notified counsel for the Applicant via email and telephone message of Opposer’s intention to file a response requesting continued suspension and has requested that Applicant join in the response. Applicant has declined to respond to the undersigned counsel’s emails and telephone message.

In view of the foregoing, Opposer respectfully requests, with notice to Applicant, that suspension of the instant proceeding continue pending the outcome of the Pending Litigation.

Respectfully submitted,

Dated: June 17, 2022

POWELL IP LAW, LLC

/s/ Michael J. Powell

Michael J. Powell

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Attorneys for Opposer 34ED, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing **OPPOSER'S RESPONSE REQUESTING CONTINUED SUSPENSION IN VIEW OF CIVIL ACTION** was emailed on June 17, 2022 to Applicant's counsel at the following address:

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/s/ Michael J. Powell
Michael J. Powell