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Filing date: **12/23/2020**

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

|                        |  |
|------------------------|--|
| Proceeding             | 91264502   |
| Party                  | Defendant<br>Microsoft Corporation   |
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| Submission             | Other Motions/Submissions  |
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| Signature              | /Leanthony D. Edwards Jr./   |
| Date                   | 12/23/2020   |
| Attachments            | Motion to Suspend - Opposition No. 91264502 - 88739730.pdf(353887 bytes )  |

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

|                        |   |                             |
|------------------------|---|-----------------------------|
| HONDA MOTOR CO., LTD., | ) |                             |
|                        | ) | Opposition No.: 91264502    |
| Opposer,               | ) |                             |
|                        | ) | Application No.: 88/739,730 |
| -vs-                   | ) |                             |
|                        | ) | Mark: POWER YOUR DREAMS     |
| MICROSOFT CORPORATION, | ) |                             |
|                        | ) |                             |
| Applicant.             | ) |                             |

**APPLICANT MICROSOFT CORPORATION’S MOTION TO SUSPEND**

Applicant Microsoft Corporation (“Microsoft”), by and through counsel, and pursuant to 37 CFR § 2.117(a) and TBMP § 510.02(a), hereby moves to suspend this proceeding. Microsoft is the owner of five pending applications for the mark POWER YOUR DREAMS under U.S. Serial Nos. 88/743,534, 88/743,535, 88/739,730, 88/743,537, and 88/743,538, in Classes 9, 25, 28, 38, and 41, respectively (the “Microsoft Applications”). Honda Motor Co., Ltd. (“Honda”) has filed Opposition proceedings against each of the Microsoft Applications on the grounds of dilution and in two cases likelihood of confusion. (Opposition Nos. 91264501, 91264504, 91264765 filed, hereinafter referred to as “Related Oppositions”). Microsoft seeks suspension of this Opposition pending the outcome of Microsoft’s concurrently filed Motions to Dismiss the Related Oppositions, as consolidation is likely and suspending this proceeding will maximize efficiency and eliminate duplicative discovery.

The Board has discretion under the TBMP to suspend a proceeding pending the outcome of another Board proceeding involving the same parties. *See* TBMP § 510.02(a); *see, e.g., The Tamarkin Co. v. Seaway Food Town Inc.*, 34 USPQ.2d 1587, 1592 (TTAB 1995) (suspending proceeding pending outcome of ex parte prosecution of opposer’s application). The Board may

utilize its discretion to suspend Board proceedings in the interests of “consistency and economy where there are common claims in the separate proceedings.” TBMP § 510.02(a); *New Orleans Louisiana Saints LLC v. Who Dat? Inc.*, 99 USPQ.2d 1550, 1552 (TTAB 2011). A proceeding need not be dispositive of another proceeding to warrant suspension, but the related proceeding only needs to have a bearing on issues before the Board. *Id.*

“[C]ommon claims” between this proceeding and the other Related Oppositions exist such that consistency and economy warrant this suspension. Microsoft and Honda are the only parties in each of the five Opposition proceedings. Each of the Microsoft Applications are based on the POWER YOUR DREAMS mark. Each of the Related Oppositions are based upon Honda’s asserted Registration No. 3,843,591. The grounds for this instant Opposition and the Related Oppositions, therefore, essentially involve a common core of facts and allegations that can be understood as parts of a singular dispute (though Microsoft notes that not all facts have been actually pled in each proceeding as set forth in Microsoft’s Motions to Dismiss filed in three of the proceedings concurrently with this Motion).

In light of the fact that Microsoft filed potentially dispositive motions in certain of the other Related Oppositions, these proceedings will likely be suspended by the Board with respect to all matters not germane to the motion to allow for full briefing and consideration of the merits.<sup>1</sup> TBMP § 510.03(b); 37 CFR § 2.127(d). In the meantime, if not suspended, this Opposition proceeding would move forward resulting in duplicative and redundant discovery once the Motions to Dismiss are decided.

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<sup>1</sup> Because the facts and claims of this proceeding and the Related Oppositions are shared, it is also likely that the parties or the Board will seek to consolidate all Oppositions into a single proceeding to maximize efficiency and eliminate duplicative discovery in the proceedings.

Based on the efficiency and consistency achieved by keeping this Opposition on schedule with the Related Oppositions—that all involve the same parties, the same disputed marks, and “common claims”—good cause exists to suspend this proceeding pending the final disposition of the potentially dispositive Motions to Dismiss filed in the Related Oppositions. *See* TBMP. §510.02(a); 37 CFR §2.117(a).

Date: December 23, 2020

Respectfully submitted,  
DINSMORE & SHOHL LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon the following by e-mail this 23rd day of December, 2020:

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