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


Proceeding	91270796
Party	Defendant L.A. T SHIRT & PRINT, INC.
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Submission	Motion to Suspend for Civil Action
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Date	09/15/2021
Attachments	SuspendOpps.pdf(60051 bytes )


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

In re App. No. 90/355,027 –   
Filed: December 2, 2020

In re App. No. 90/354,950–   
Filed: December 2, 2020

In re App. No. 90/354,987 –   
Filed: December 2, 2020

In re App. No. 90/354,081–   
Filed: December 2, 2020

In re App. No. 90/354,219–   
Filed: December 2, 2020

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New RSC, LLC. :

Opposer, :

v. :

Opposition No. 91/270,802  
Opposition No. 91/270,801  
Opposition No. 91/270,795  
Opposition No. 91/270,797  
Opposition No. 91/270,796

L.A. T SHIRT & PRINT, INC., :

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Applicant. :

**CONSOLIDATED CONSENT MOTION TO SUSPEND OPPOSITION PROCEEDINGS**

Respondent L.A. T Shirt & Print, Inc. (“Applicant”) with the consent of Petitioner New RSC, LLC (“Opposer”), respectfully moves to suspend the above-referenced opposition proceedings for 90 days in view of a concurrently pending federal court action. In support, Petitioner states as follows:

1. On December 30, 2020, Respondent filed a Complaint against New RSC, LLC and allegedly related entities (collectively “Rue21”) in the United States District Court for the Central District of California, Civil Action No. 2:20-cv-11785, asserting numerous federal and state law claims based on Rue21’s alleged unauthorized use of certain designs for which Respondent allegedly owns federal and common law trademark rights (the “District Court Action”). The allegedly infringed designs include the marks that are the subject of Applications 90/355,027, 90/354,950, 90/354,987, 90/354,081, 90/354,219 (the “Applied-for” designs).

2. On March 2, 2021, Respondent filed an Amended Complaint, and on April 5, 2021, Respondent filed a Second Amended Complaint. The Second Amended Complaint continues to allege infringement of the Broken Heart designs, in addition to other claims. A copy of the Second Amended Complaint is attached as Exhibit A.

3. On April 19, 2021, Rue21 filed a motion to dismiss the Second Amended Complaint. On July 19, 2021 Respondent filed an opposition to Rue21’s motion. On August 2, 2021, Rue21 filed a reply to the opposition. This matter is currently pending before the Court.

4. Given the foregoing, the District Court Action foreseeably may impact the Opposition Proceedings. In accordance with 37 C.F.R. 2.117(a), the Opposition Proceedings should therefore be suspended. T.B.M.P. § 510.02(a); *see also* 37 C.F.R. § 2.117(a); *General Motors Corp., v. Cadillac Club Fashions Inc.*, 22 USPQ2d 1933, 1936-37 (T.T.A.B. 1992); *Argo*

*& Co. v. Carpetsheen Manufacturing, Inc.*, 187 USPQ 366, 367 (TTAB 1975) (suspending proceeding based on state court action between applicant and a third party).

5. Opposer consents to the suspension of the Opposition Proceedings, and in connection with same, Opposer and Applicant jointly propose that the Board suspend this Proceeding for 90 days, at which time the parties propose to advise the Board as to the status of the District Court Action and whether the suspension should be maintained.

6. For the foregoing reasons, Applicant respectfully requests that the Board suspend the Proceedings for 90 days. The parties further agree that Applicant's deadline to respond to the Opposition filed by Opposer in the Opposition Proceedings on July 31, 2021 should be suspended as well, to be reset upon resumption of the Opposition Proceedings.

Respectfully submitted,

L.A. T SHIRT & PRINT, INC.

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*Attorneys for Opposer*

With consent

Dated: September 15, 2021