

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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Baxley

August 8, 2023

Opposition No. 91282337

*Murvin Persaud*

*v.*

*MD Audio Engineering, Inc.*

**Andrew P. Baxley, Interlocutory Attorney:**

Opposer's motion (filed July 14, 2023) to suspend pending final determination of a civil action between the parties is granted as conceded. See Trademark Rule 2.127(a). Applicant's motion (filed July 12, 2023) to dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6) is denied without prejudice.<sup>1</sup> Proceedings are suspended pending final determination of Case No. 6:23-CV-01277-CEN-LHP styled *Persaud v. MD Audio Engineering, Inc.*, filed in the United States District Court for the Middle District of Florida.<sup>2</sup>

The Board will make annual inquiry as to the status of the civil action. Within twenty days of the final determination of the civil action, Opposer shall notify the

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<sup>1</sup> The Board deems the filing of the motion to suspend as having tolled the running of time to respond to the motion to dismiss. If the civil action does not dispose of the parties' dispute, Applicant may file a renewed motion to dismiss after proceedings herein are resumed.

<sup>2</sup> A proceeding is finally determined when an order or ruling that ends litigation has been rendered, and no appeal has been filed, or all appeals filed have been decided and the time for any further review has expired. See TBMP § 510.02(b) (2023).

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Board in writing and include copies of all relevant final decisions in the civil action.

While this case is suspended, the parties must keep their correspondence addresses current.