

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: October 20, 2011

Cancellation No. 92051975

FARMAMEDICA, S.A.

v.

ANA ELOISA ALFARO DE MARON, dba
COMBISA LABORATORIOS

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

On July 21, 2011, the Board sent a status inquiry concerning the civil litigation which occasioned suspension of proceedings herein. On August 19, 2011, both parties filed separate responses requesting resumption of proceedings. Respondent states, on July 14, 2011, the district court denied the motion to set aside judgment and granted, in part, plaintiff's motion for contempt; and that respondent filed an appeal to the Eleventh Circuit of the district court's order,¹ but that this cancellation should not remain suspended due to the "unresolved contempt" proceeding. Respondent argues that petitioner "should be held to its burden of proof." Petitioner states that, on July 14, 2011,² the district court entered an order granting, in part, petitioner's post-judgment

¹ Respondent's response is accompanied by a copy of the Eleventh Circuit's docketing letter for appeal No. 11-13578-C.

² Petitioner's response is accompanied by a copy of the July 14, 2011 order of the district court. *Farmamedica, S.A. v. Ana Eloisa Alfaro de Maron, dba Combisa Laboratorios*, Case No.: 07-20944-CV-JORDAN/TORRES (S.D. Fla. July 14, 2011).

motion for contempt; issued a show cause order to respondent; and respondent did not file a response to the show cause order but filed an appeal of the July 14th order instead. Petitioner argues that the petition to cancel should be granted based on respondent's violation of the permanent injunction.

A final resolution of the matters addressed in the July 14, 2011 order of the district court may have a bearing on this proceeding. See Trademark Rule 2.117(a); and TBMP § 510.02(a) (3d ed. 2011). Accordingly, the parties' motions to resume are denied and proceedings are suspended pending final disposition of the civil action between the parties.

Within twenty days after the final determination of the civil action, the interested party 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 or their attorneys.
