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

Proceeding	92053350
Party	Plaintiff Experience Based Learning, Inc.
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Attachments	Response to Registrant Motion to Suspend.pdf ( 3 pages )(36354 bytes )

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

EXPERIENCE BASED LEARNING, INC.,	)	
an Illinois corporation,	)	
	)	
Petitioner,	)	
	)	Cancellation No. 92053350
vs.	)	
	)	
ALLEN BROUSSARD CONSERVANCY,	)	
INC., a Florida corporation,	)	
	)	
Registrant.	)	

**RESPONSE TO REGISTRANT’S MOTION TO SUSPEND**

Petitioner, EXPERIENCE BASED LEARNING, INC. (“Petitioner”), through its attorneys, Reno & Zahm LLP, hereby responds to the ALLEN BROUSSARD CONSERVANCY, INC.’s (“Registrant”) Motion to Suspend Cancellation Proceedings pending the outcome of a civil action in the U.S. District Court for the Northern District of Illinois. Through this response, the Petitioner is requesting that the Trademark Trial and Appeal Board (“Board”) deny Registrant’s Motion, and in support thereof, Petitioner states as follows:

In its Motion, the Registrant bases its request for suspension on the fact that there is a civil action pending between Petitioner and a third party which “may have a bearing on the case before the Board.” The Registrant admits that it is not a party to those proceedings. The Registrant also identifies the Defendant in that case is Florida Eco-Safaris, Inc. The Registrant fails to define the relationship the Registrant has with Florida-Eco Safaris, Inc.

The Registrant’s Motion only alleges vague and indefinite reasons for suspending the present cancellation proceeding. Examples of these vague and indefinite allegations is that the Defendant’s “interests may be tied to those of the Registrant.” [emphasis added.] The Registrant

then claims that it is “possible that the civil action may obviate the issues currently pending before the Board.” [emphasis added.] Finally, the Registrant alleges that the two trials have “similar parties and similar issues” and that these similarities “may possibly” result in duplication of efforts and expenses by the parties.

The Registrant completely and totally fails to present any facts that support the speculative allegations in its motion, including but not limited to facts showing:

- (1) How Florida Eco-Safaris, Inc. and the Registrant are “related”;
- (2) How the civil action pending in the U.S. District Court for the Northern District of Illinois (which the Registrant admits involves a claim for breach of contract) will obviate the issues currently pending in this cancellation proceeding before the Board;
- (3) How the civil case in Illinois and this cancellation proceeding involve “similar parties and similar issues;”
- (4) How a civil action for breach of contract between Plaintiff and third party Florida Eco-Safaris, Inc. would create inconsistent results and/or the unnecessary duplication of any effort or expenses incurred by the parties.

In summary, the Registrant has offered no evidence which supports suspension of these cancellation proceeding. The Registrant has only speculated as to potential conflicts and/or duplication of efforts. Attached to this Response as Exhibit “A” is a copy of the complaint filed in Winnebago County, Illinois by the Petitioner against third-party Florida Eco-Safaris, Inc. (which was later removed to U.S. District Court for the Northern District of Illinois). The complaint filed by Petitioner contains allegations for breach of contract, conversion of equipment, and possession of personal property. Despite the attempted allegations made by the

Registrant, this complaint has no bearing on this cancellation proceeding.

Petitioner respectfully requests that this Board deny the Registrant's Motion to Suspend the cancellation proceedings, and enter default judgment for failure to answer. This Response to Registrant's Motion to Suspend is respectfully submitted on the 14<sup>th</sup> day of February, 2011.

EXPERIENCE BASED LEARNING, INC.  
Petitioner

BY: RENO & ZAHM LLP

BY:           /s/ Michael G. Schultz            
Michael G. Schultz

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#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Petitioner's Motion for Default Judgment was served upon:

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by e-mailing the same to the e-mail address listed above on the 14<sup>th</sup> day of February, 2011.

          /s/ Michael G. Schultz          

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