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Filing date: **01/11/2014**

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

Proceeding	92053735
Party	Defendant Richard Joseph DeGrave
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Submission	Response to Board Order/Inquiry
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Date	01/11/2014
Attachments	Status_1_11_14.pdf(14772 bytes)

I hereby certify that this correspondence is being electronically deposited to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date set forth below:

January 11, 2014

/Mike Lindsey/

Date

Signature

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

Water Tec of Tucson, Inc.,
an Arizona corporation,

Petitioner,

v.

Richard Joseph DeGrave,
an individual,

Registrant.

Cancellation Proceeding No. 92053735
Filing Date: March 10, 2011

In the Matter of Registration No. 3,719,837
For the Mark: WATER IXC
Registration Date: December 1, 2009

REGISTRANT'S STATUS REPORT

Registrant Richard J. DeGrave ("Mr. DeGrave"), by and through his attorneys, submits this Status Report in response to the Board's Order dated 12/12/2014:

1. The Board has asked the parties to provide the status of the civil actions that occasioned suspension of this proceeding.
2. This proceeding was suspended in view of two (2) civil actions involving the same parties and concerning the same marks cited by Petitioner as the basis for this cancellation proceeding.
3. The first civil action *R. Leigh DeGrave et al. v. Water-Tec International, Inc. et al.*, case No. C20077506 in Pima County Superior Court of Arizona was finally decided by the trial court in Fall 2011. Petitioners and others appealed the trial court's decision. The appeal was

dismissed by the Arizona Court of Appeals on October 4, 2012 because Appellants failed to file an opening brief. The time period for review of the dismissal has expired.

4. The second civil action *Water Tec of Tucson, Inc. v. Water Tec International, Inc.*, case No. 4:09-CV-434-TUC-DCB, consolidated with case no. 12-cv-00747-TUC DCB, Dist. Ariz., is still pending before the district court and has not been finally decided.

5. Because the second civil action has not been finally decided, this cancellation proceeding should remain suspended.

Respectfully submitted,

Date: January 11, 2014

/Mike Lindsey/
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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2014, a copy of the foregoing **REGISTRANT'S STATUS REPORT** was served upon counsel for Petitioner, via email:

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By /Mike Lindsey/
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