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Filing date: **06/12/2015**

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

Proceeding	92054577
Party	Defendant Market Quest Group, Inc.
Correspondence Address	DAVID M KOHN LEWIS KOHN & FITZWILLIAM 10935 VISTA SORRENTO PKWY, STE 370 SAN DIEGO, CA 92130 UNITED STATES dkohn@lewiskohn.com, kmoyerhenry@lewiskohn.com, skane@lewiskohn.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Kari Moyer-Henry
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Signature	/KMH/
Date	06/12/2015
Attachments	MotSuspDisp_530.306US_12June2015.pdf(86684 bytes )

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

BIC Corporation, BIC USA Inc. and	)	
Norwood Promotions Products LLC,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92054577
	)	
MarketQuest Group, Inc.,	)	Subject Mark: ALL-IN-ONE (stylized)
	)	
Registrant.	)	

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**MOTION FOR SUSPENSION OF PROCEEDINGS**

MarketQuest Group, Inc. (“Registrant”), by its attorney, hereby moves pursuant to Trademark Rule §2.117(a) for suspension of all proceedings pending final disposition of an open appeal initiated by MarketQuest Group, Inc. (“Registrant”) on May 18, 2015 challenging dismissal of its claims for trademark infringement under the Lanham Act and California unfair competition stemming from, among other things, Petitioner’s use of the subject mark, ALL-IN-ONE (stylized).

Pursuant to Trademark Rule §2.117(a): “Whenever it shall come to the attention of the Trademark Trial and Appeal Board that a party or parties to a pending case are engaged in a civil action or another Board proceeding which may have a bearing on the case, proceedings before the Board may be suspended until termination of the civil action or the other Board proceeding.” A proceeding is terminated when a decision on the merits has been rendered and no appeal has been filed, or all appeals have been decided. See TBMP § 510.02.

As grounds for support of this motion, Registrant asserts that on March 28, 2011, Registrant filed civil case no. 11-cv-618 in the United States District Court, Southern District of California against Petitioners. Registrant’s claims were dismissed without leave to amend on April 17, 2015 by minute order. The civil case resulted in suspension of this cancellation proceeding and Registrant seeks to continue suspension of this in view of the appeal filing. Since the appeal and/or the civil case could be dispositive of this proceeding before the Board, Registrant respectfully requests suspension of the cancellation proceeding pending termination of the former.

A copy of the Ninth Circuit Court of Appeals Docketing Statement dated May 18, 2015 is attached hereto as Exhibit A.

Respectfully submitted,  
Lewis Kohn & Fitzwilliam LLP

/dmk/

David M. Kohn

Dated this 12<sup>th</sup> day of June, 2015

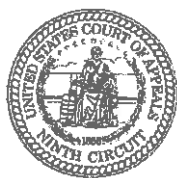
LEWIS KOHN & FITZWILLIAM LLP  
10935 Vista Sorrento Parkway  
Suite 370  
San Diego, CA 92130  
(858) 436-1330

**CERTIFICATE OF SERVICE**

This certifies that a copy of Registrant's "MOTION FOR SUSPENSION OF PROCEEDINGS" was served this 12<sup>th</sup> day of June, 2015, by first class mail and e-mail to:

Richard Sybert  
Gordon & Rees  
101 West Broadway, Suite 2000  
San Diego, CA 92101  
rsybert@gordonrees.com

/dmk/  
David M. Kohn



Office of the Clerk  
**United States Court of Appeals for the Ninth Circuit**  
Post Office Box 193939  
San Francisco, California 94119-3939  
415-355-8000

Molly C. Dwyer  
Clerk of Court

May 18, 2015

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No.: 15-55755  
D.C. No.: 3:11-cv-00618-BAS-JLB  
Short Title: Marketquest Group, Inc. v. Bic Corporation, et al

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Dear Appellant/Counsel

A copy of your notice of appeal/petition has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number whenever you communicate with this court regarding this case.

Please furnish this docket number immediately to the court reporter if you place an order, or have placed an order, for portions of the trial transcripts. The court reporter will need this docket number when communicating with this court.

**The due dates for filing the parties' briefs and otherwise perfecting the appeal have been set by the enclosed "Time Schedule Order," pursuant to applicable FRAP rules. These dates can be extended only by court order. Failure of the appellant to comply with the time schedule order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1.**