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Filing date: **09/21/2016**

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

Proceeding	92054580
Party	Defendant MarketQuest Group Inc.
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Submission	Motion to Suspend for Civil Action
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Signature	/KMH/
Date	09/21/2016
Attachments	MotSuspDisp_530.311US_21Sep2016.pdf(86222 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. 92054580
)	
MarketQuest Group, Inc.,)	Subject Mark: THE WRITE CHOICE
)	
Registrant.)	

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, THE WRITE CHOICE.

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 21st day of September, 2016

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CERTIFICATE OF SERVICE

This certifies that a copy of Registrant's "MOTION FOR SUSPENSION OF PROCEEDINGS" was served this 21st day of September, 2016, by first class mail and e-mail to:

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/dmk/
David M. Kohn



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United States Court of Appeals for the Ninth Circuit
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Molly C. Dwyer
Clerk of Court

May 18, 2015

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

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.