

ESTTA Tracking number: **ESTTA681251**

Filing date: **07/01/2015**

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

Proceeding.	92061330
Applicant	Plaintiff Spiral Direct, Inc. and Spiral Direct, Ltd.
Other Party	Defendant Basic Sports Apparel, Inc.
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	No

Motion for Suspension in View of Civil Proceeding With Consent

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Spiral Direct, Inc. and Spiral Direct, Ltd. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Spiral Direct, Inc. and Spiral Direct, Ltd. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Spiral Direct, Inc. and Spiral Direct, Ltd. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,
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07/01/2015

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

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**SPIRAL DIRECT, LTD. and
SPIRAL DIRECT, INC.**

Cancellation Action No.: 92061330

Petitioners

**Mark: SPIRAL
U.S. Reg. No.: 2,218,515**

v.

BASIC SPORTS APPAREL, INC.

Respondent.
-----/

**STIPULATED MOTION TO STAY ACTION
PENDING RESOLUTION OF CIVIL PROCEEDING**

Petitioners, Spiral Direct Ltd. and Spiral Direct, Inc., and Respondent, Basic Sports Apparel, Inc., by and through their undersigned counsel, hereby advise the Trademark Trial and Appeal Board (“TTAB”) of co-pending civil action *Spiral Direct, Inc. and Spiral Direct Ltd. v. Basic Sports Apparel, Inc.*, 6:15-cv-641-orl-JA-TBS (FLMD 2015) (the “Spiral Direct Case”), alleging, *inter alia*, the same claims as are made in this Cancellation Action.

Because of the identity of the claims in both actions, the parties believe that the disposition of the Spiral Direct Case will be dispositive of this Cancellation Action. In fact, a Motion to Dismiss is already pending in the Spiral Direct Case, similar to the one that was filed today in this action.

Accordingly, pursuant to 37 C.F.R. §2.117 the parties hereby jointly stipulate to, and respectfully move the TTAB for, a motion to stay this Cancellation Action pending disposition of the Spiral Direct Case. This motion is made in good faith, to save valuable time and resources of both the parties and the TTAB, and not for the purpose of delay.

Respectfully submitted this 1st day of July, 2015,

By: /s/ Jill Sarnoff Riola

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