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

Proceeding	92061918
Party	Defendant Q. Original Plastics UG and Von Wulfing GmbH & Co. KG
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Submission	Opposition/Response to Motion
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Date	02/16/2016
Attachments	92061918 Opposition to Motion to Unsuspend.pdf(17837 bytes)

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

Quadro Der Graossbaukasten Limited, Formerly known as Quadro Sued Ltd.)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92061918
)	
Q. Original Plastics UG and von Wülfing GmbH & Co.KG.,)	
)	
Registrants.)	

OPPOSITION TO PETITIONER’S MOTION TO UNSUSPEND

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Respondents Q. Original Plastics UG and von Wülfing GmbH & Co.KG., by their undersigned counsel, hereby opposes Petitioner’s motion to “unsuspend” this proceeding.

It is clear that the outcome of the German lawsuit may have an effect on this proceeding.

Petitioner conceded that in its motion to suspend (Paper No. 4).:

If the German civil courts determine that Petitioner is entitled to own the Respondents’ US Registration No. 1,281,658 and that Respondents were not entitled to use the registered mark in the United States, that determination ***will have a bearing*** upon the issues presented in the present Petition and whether the respondents’ registration will prevent registration of Petitioner’s mark. [Emphasis supplied].

The status of the German proceedings has not changed since Petitioner filed its motion to suspend. At no point does Petitioner , in the subject motion to “unspend,” argue that the outcome of the German legal actions is completely irrelevant to this proceeding, or that it will not have some bearing.

Even if the German proceeding does not resolve “all” the issues currently raised in this TTAB proceeding, it will surely have an impact on the issue of ownership and the interpretation of the assignment. That the German decision may not wholly resolve this proceeding does not mean that the Board should completely ignore the German court and its ultimate ruling.

In the interest of judicial economy, the Board should continue the suspension of this case until the German court has ruled, at which time an assessment may be made of the impact of that ruling on this case.

Q.Original Plastics UG and
von Wülfing GmbH & Co.KG.



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon Petitioner this 16th day of February, 2016, by mailing a copy thereof via first-class mail, postage pre-paid, to Petitioner's counsel:

JANICE HOUSEY
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John L. Welch