

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

wbc

Mailed: April 12, 2016

Cancellation No. 92061918

*Quadro Der Grossbaukasten Limited,  
Formerly known as Quadro Sued Ltd.*

*v.*

*Q. Original Plastics UG and  
Von Wulfing GmbH & Co. Kg*

**Wendy Boldt Cohen, Interlocutory Attorney:**

This proceeding was previously suspended pending a final determination of two German civil actions, styled *QUADRO SUED LTD v. von Wulfing GmbH & Co.*, Kiel Docket No. 15 O 36/11 and *QUADRO Sued Ltd. v. Quadro Spiel-  
under Sprotgerate GmbH and Jordane-Lopes de Oliveira*, Hamburg Docket No. 315 O 535. This case now comes up on Petitioner's motion (filed January 13, 2016) to resume proceedings. The motion is contested by Respondent.<sup>1</sup>

In its motion, Petitioner argues, *inter alia*, that proceedings should be resumed because the German court "will not determine whether the U.S. registration should be cancelled"; but also that the "German Proceedings are

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<sup>1</sup> The Board has considered the parties' arguments and submissions and presumes the parties' familiarity with the factual bases for the motion and does not recount them here except as necessary to explain the Board's order.

indeed expected to be determinative of the validity of a particular assignment.”  
16 TTABVue at p.2.

It is the policy of the Board to suspend proceedings when the parties are involved in a civil action, which may be dispositive of or have a bearing on the Board case. *See* Trademark Rule 2.117(a); TBMP § 510.02(a) (2014). The Board may also, in its discretion, suspend a proceeding pending the final determination of a foreign action between the parties, wherein one party challenges the validity of a foreign registration upon which the other party’s subject application is based. *See Birlinn Ltd. v. Stewart*, 111 USPQ2d 1905, 1909 (TTAB 2014) (Board suspended proceedings pending receipt of pleadings and other documentation to determine whether proceeding in the United Kingdom may have a bearing in Board proceeding); *Marie Claire Album S.A. v. Kruger GmbH & Co. KG*, 29 USPQ2d 1792, 1793-94 (TTAB 1993) (opposition suspended pending decision of German court on validity of foreign registration which is the basis of the U.S. application involved in the opposition). Inasmuch as the German civil actions involve both parties and challenge the validity of an assignment of the registration at issue, the German civil actions may be dispositive of or have a bearing on this proceeding.

Accordingly, and because the parties have confirmed that the German civil actions have not yet been finally determined,<sup>2</sup> Petitioner’s motion to resume

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<sup>2</sup> Both parties allege that the civil action before the court in Hamburg is suspended pending final determination of the civil action before the Kiel court; and that the civil action before the Kiel court is currently on appeal.

proceedings is **denied**.<sup>3</sup> This proceeding remains suspended pending final disposition of both German civil actions noted herein.

Within twenty days after the final determination of the civil actions, the parties shall so notify the Board in writing, including a copy, along with English translations, of the courts' final orders.

During the suspension period, the parties shall notify the Board of any address changes for the parties or their attorneys.<sup>4</sup>

Respondent's attorney filed a motion to withdraw as counsel of record. The request to withdraw as counsel is in compliance with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40, and is accordingly granted. The attorneys at the law firm of Wolf, Greenfield & Sacks, P.C. no longer represent Respondent in this proceeding.

In view of the withdrawal of Respondent's counsel, and in accordance with standard Board practice, Respondent is allowed until **thirty days** from the mailing date of this order to appoint new counsel, or to file a paper stating that Respondent chooses to represent itself. If Respondent files no response, the Board may issue an order to show cause why default judgment should not be entered against Respondent based on Respondent apparent loss of interest in the case.

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<sup>3</sup> In view of the Board's order and suspension, upon resumption of this proceeding, the Board will reset dates, as necessary.

<sup>4</sup> Petitioner's changes of correspondence filed March 16 and 23, 2016 are noted.

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Proceedings remain suspended. A copy of this order has been sent to all persons listed below.

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