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Filing date: **06/27/2017**

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

Proceeding	92064261
Party	Defendant John Groat dba Holly Shirt!
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Date	06/27/2017
Attachments	2017-06-27-Motion-To-Suspend.pdf(57143 bytes)

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

In the Matter of Registration Serial No. 4,099,565

-----X
Michael Spitzbarth,

Petitioner,

Cancellation No.
92064261

-vs-

JOHN GROAT
D/B/A HOLY SHIRT!,

Registrant.
-----X

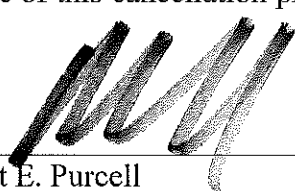
**REGISTRANT'S MOTION TO SUSPEND THIS CANCELLATION PROCEEDING
PENDING THE RESOLUTION OF REGISTRANT'S MOTION FOR
RECONSIDERATION OF THE BOARD'S DECISION DATED JUNE 20, 2017**

Registrant, John Groat, (hereinafter "Groat") hereby requests a suspension of this cancellation proceeding pursuant to 37 C.F.R. §§ 2.117(c) and 2.127(d) until the Board has ruled on his concurrently filed Motion For Reconsideration of the Board's Decision Dated June 20, 2017 (hereinafter "Motion").

The Board erred in denying Registrant's Motion For Summary Judgment on the sole basis that Registrant did not plead the affirmative defense of lack of standing. Registrant's Motion highlights that the TTAB has repeatedly ruled that lack of standing is not an affirmative defense that must be pleaded, and if it is pleaded, it will be stricken.

The Motion is potentially dispositive of this cancellation proceeding. Good cause for the requested suspension exists.

Dated: June 27, 2017

By: 
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Attorneys for the Registrant, John Groat

CERTIFICATE OF SERVICE

I certify that on the 27 day of June, 2017 a copy of the foregoing REGISTRANT'S MOTION TO SUSPEND THIS CANCELLATION PROCEEDING PENDING THE RESOLUTION OF REGISTRANT'S MOTION FOR RECONSIDERATION OF THE BOARD'S DECISION DATED JUNE 20, 2017 was sent via E-Mail and First Class U.S. Mail, postage pre-paid, to the following:

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/s/Allison Haines

Allison Haines