

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

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Mailed: August 8, 2017

Cancellation No. 92065794

The Marshall Tucker Band, Inc.

v.

MT Industries, Inc.

Elizabeth A. Dunn, Attorney (571-272-4267):

Proceedings in this case are considered to have been suspended as of Respondent's May 15, 2017 notice, filed on the same date as Respondent's answer, of the pending civil action between the parties. *The Marshall Tucker Band, Inc. and Doug Gray v. M T Industries, Inc. and Ron Rainey*, Civil 7:16-cv-00420-MGL, filed in the United States District Court for the District of South Carolina. On June 2, 2017, Respondent moved to suspend this proceeding pending disposition of the civil action, stating that on April 25, 2017 the court had modified its final order dismissing the action, and on May 25, 2017 the court granted an extension of 30 days from the date of the Court's order ruling on defendants' motion for attorney fees. On June 19, 2017, Petitioner consented to suspension.

On July 18, 2017, Petitioner moved to resume proceedings, submitting a copy of the July 12, 2017 court order denying the motion for attorney fees. Petitioner also

“understands that Registrant does not intend to appeal.” A proceeding is considered to have been finally determined when an order or ruling that ends litigation has been rendered, and no appeal has been filed, or all appeals filed have been decided and the time for any further review has expired. See TBMP § 510.02(b). Inasmuch as Respondent has not stipulated to resumption, and the appeal period has not expired, the motion to resume proceedings is denied.

Within twenty days after such final determination, the parties shall notify the Board so that this proceeding may be called up for appropriate action.