

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

Mailed: June 29, 2017

Cancellation No. 92065799

Salbro Bottle Inc.

v.

Hillside Plastics, Inc.

Ann Linnehan, Interlocutory Attorney

This case now comes up for consideration of Respondent's motion (filed June 7, 2017) to suspend this case pending disposition of an action pending in the United States District Court for the District of Massachusetts.¹ Petitioner has filed a brief in response. Rather than wait for a brief in reply, the Board elects to exercise its discretion and entertain the motion.

Trademark Rule 2.117(a) provides that "[w]henver it shall come to the attention of the ... Board that a party or parties to a pending case are engaged in a civil action...which may have a bearing on the case, proceedings before the Board may be suspended until termination of the civil action."

After carefully reviewing the civil action papers submitted with the present motion, the Board finds that the civil court's decision may have a bearing upon the above-captioned proceeding in that the federal action decision may ultimately

¹ Civil Action No. 17-30037.

determine or have an impact on Respondent's rights to its registered mark, the subject mark of the proceeding herein. In the interest of judicial economy, and consistent with the Board's inherent authority to regulate its proceedings to avoid duplicating the efforts of the district court and the possibility of reaching an inconsistent conclusion, suspension is appropriate. See TBMP Section 510 (2017).

In view thereof, the motion to suspend is hereby granted. Proceedings herein are suspended pending a final determination of the civil court, including any and all appeals and remands.

Within twenty days after the civil court's determination, the parties should notify the Board so that this case may be called up for appropriate action.

During the suspension period the Board should be notified of any address changes for the parties and their attorneys.