

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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December 13, 2018

Cancellation No. 92069464

*Banana Bag Solutions LLC*

*v.*

*Guillermo Amtmann*

**J. Krisp, Interlocutory Attorney:**

The Board notes Petitioner's November 14, 2018 unconsented motion to suspend this proceeding pursuant to Trademark Rule 2.117(a), pending the final disposition of a civil action that was filed on November 12, 2018 in the United States District Court for the Middle District of Florida, Case No. 6:18-cv-01943 ("civil action"). Petitioner did not include a copy of the operative pleadings filed in said civil action. TBMP § 510.02(a) (June 2018).

The Board also notes Registrant's November 29, 2018 response wherein Registrant notes that Petitioner did not include a copy of the pleadings. Registrant also failed to submit the copies.

Petitioner is allowed until **ten (10) days from the date of this order** to submit herein a copy of the operative pleadings filed in the civil action, so that the

Board can ascertain whether the final determination of the civil action may have a bearing on the issues before the Board in this proceeding. TBMP § 510.02(a).

Registrant also requests in the alternative to suspend this proceeding for settlement “for 60 or 90 days.” 6 TTABVUE 2. In view of Petitioner’s pending motion, Registrant’s request in the alternative is denied.

Petitioner’s November 30, 2018 consented motion for suspension for settlement is denied as moot. Inasmuch as it is unknown whether this proceeding will settle, the determination of the appropriateness of suspension pending the civil action takes precedence over the resetting of initial disclosure, discovery and trial dates.

Nonetheless, inasmuch as this order suspends proceedings pending disposition of Petitioner’s motion to suspend, the Board encourages the parties to utilize this time to continue settlement efforts, as appropriate. In the event that the parties settle this proceeding and/or the civil action, they are directed to so inform the Board immediately.