

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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March 8, 2021

Cancellation No. 92071109

*CBDMD, LLC*

*v.*

*Majik Medecine, LLC*

**Michael Webster, Interlocutory Attorney:**

Proceedings are suspended pending disposition of the motion (filed February 12, 2021) to suspend for civil action. Respondent's motion for summary judgment, filed March 4, 2021 will not be considered unless the motion to suspend for civil action is denied. In the event the Board determines that suspension for the civil action is not appropriate, Petitioner will be given time to file its response to the summary judgment motion.<sup>1</sup> Because Respondent's motion to compel, filed immediately after the summary judgment motion, is not germane to the summary judgment motion, the motion to compel is improper and will not be considered. *See* Trademark Rule 2.127(d), 37 C.F.R. § 2.127(d) ("When a party files a potentially dispositive motion ...

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<sup>1</sup> Because a decision by the Board granting a motion for summary judgment may be appealed by way of a civil action in a United States District Court, 15 U.S.C. § 1071(b), judicial economy would not be served by determining the later filed motion for summary prior to the motion to suspend pending civil action.

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the case is suspended ... and no party should file any paper which is not germane to the motion.”).

The motion to suspend for civil action will be decided in due course.