

ESTTA Tracking number: **ESTTA1181650**

Filing date: **12/29/2021**

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

Proceeding no.	92074009
Party	Plaintiff Growmark, Inc.
Correspondence address	JAMIE NAFZIGER DORSEY & WHITNEY LLP 50 SOUTH SIXTH STREET, SUITE 1500 MINNEAPOLIS, MN 55402 UNITED STATES Primary email: ip.docket@dorsey.com Secondary email(s): nafziger.jamie@dorsey.com, jarzyna.alison@dorsey.com 612-340-2600
Submission	Motion to Suspend for Civil Action
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Signature	/Alison W. Jarzyna/
Date	12/29/2021
Attachments	Response as to Status GROWMARK Inc. v. Franklin Square Holdings LP.pdf (154853 bytes)

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

In the matter of trademark Registration Nos. 4723056, 4989475, 5102059

For the marks: **FS INVESTMENTS,
FS INVESTMENTS & Design,
FS INVESTMENT SOLUTIONS**

GROWMARK, Inc.,)	
)	
Petitioner,)	Cancellation No. 92074009
)	
v.)	Petitioner's Ref.: M279711
)	
Franklin Square Holdings, L.P.,)	
Registrant.)	

RESPONSE AS TO STATUS

Petitioner, GROWMARK, Inc. ("Petitioner"), by and through its undersigned counsel, and in response to the request of the Trademark Trial and Appeal Board, submits this Response as to Status of the federal litigation that has caused the suspension of these proceedings and states as follows:

1. The litigation is still pending. See Franklin Square Holdings, L.P. v. GROWMARK, Inc., U.S. District Court for the Eastern District of Pennsylvania, Civil Action No. 2:20-cv-04987-JDW. The parties are in the process of preparing and responding to a Motion for Summary Judgment.
2. Petitioner requests that the suspension of this cancellation action be continued pending the disposition of the federal action.

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: December 29, 2021

By: /Jamie N. Nafziger/
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_____)	

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **RESPONSE AS TO STATUS** is being served upon counsel for Registrant Franklin Square Holdings, LP on December 29, 2021, via email to:

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/Alison W. Jarzyna/ _____
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