

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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JLE

January 26, 2021

Cancellation No. 92075108

Miguel A Vidal Pulido

v.

Jorge Ernesto Ramirez-Ceballos

Jennifer L. Elgin, Interlocutory Attorney:

On December 28, 2020, Petitioner and Respondent filed a joint motion to suspend this proceeding pending disposition of Respondent's motion for relief from final judgment pending in Cancellation No. 92071438.

Whenever it shall come to the attention of the Board that a party or parties to a pending case are engaged in a civil action or another Board proceeding which may have a bearing on the case, proceedings before the Board may be suspended. Trademark Rule 2.117, 37 C.F.R. § 2.117. *See also* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 510.02(a) (June 2020).

Here, the parties are the same, the marks are related, and the factual allegations presented in each case are similar. Accordingly, a decision on the pending motion in Cancellation No. 92071438 may have a bearing on the current proceeding. *Cf. New Orleans Louisiana Saints LLC v. Who Dat?*, 99 USPQ2d 1550, 1552 (TTAB 2011)

("[T]he civil action does not have to be dispositive of the Board proceeding to warrant suspension, it need only have a bearing on the issues before the Board."). Accordingly, and because the parties consent thereto, the motion to suspend is **granted** and proceedings are **suspended** pending determination of Respondent's motion in Cancellation No. 92071438.

In view of the suspension, Respondent's motion to dismiss (11 TTABVUE) will be given no consideration. Within twenty days after determination of the motion for relief from judgment in Cancellation No. 92071438, the parties shall notify the Board and call this case up for any appropriate action.¹ At such time, Respondent may renew its motion to dismiss by written request to the Board citing the title, date of filing, and docket entry of the motion in the Board's electronic docket. Any renewed motion must be accompanied by a signed statement that the motion has been reviewed in its entirety and concerns matters still disputed between the parties.

¹ Upon resumption, the Board may consolidate the proceedings, if appropriate.