

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  
General Email: [TTABInfo@uspto.gov](mailto:TTABInfo@uspto.gov)

Baxley

January 20, 2023

Cancellation No. 92077934

*Glydways, Inc.*

*v.*

*Glyd, Inc.*

**Andrew P. Baxley, Interlocutory Attorney:**

This case now comes up for consideration of Petitioner's motion (filed January 19, 2023, 21 TTABVUE) to suspend the above-captioned proceeding under Trademark Rule 2.117(a) pending final determination of a civil action between the parties, Case No. 5:23-cv-00203-EJD, filed in the United States District Court for the Northern District of California. Bearing in mind that determination of a Rule 2.117(a) motion to suspend is typically based on a review of the pleadings at issue, the Board elects to decide Petitioner's motion now.

Under Trademark Rule 2.117(a), whenever the Board is made aware that a party or parties to a pending Board proceeding 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 until final determination of the civil action or other Board proceeding. The civil action need not be dispositive of the Board proceeding to warrant suspension; "it need only have a bearing on the issues before the Board." *New Orleans*

*Louisiana Saints LLC v. Who Dat? Inc.*, 99 USPQ2d 1550, 1552 (TTAB 2011). To the extent that a civil action in a Federal district court involves issues in common with those in a proceeding before the Board, the decision of the Federal district court is binding upon the Board. *See, e.g., Goya Foods Inc. v. Tropicana Products Inc.*, 846 F.2d 848, 6 USPQ2d 1950 (2d Cir. 1988). Suspension of a Board proceeding pending the final determination of another proceeding is solely within the discretion of the Board. *See* TBMP § 510.02(a).

After reviewing the pleadings at issue, the Board finds that suspension of the above-captioned proceeding is warranted. In both the above-captioned proceeding and the civil action, Petitioner seeks cancellation of Respondent's involved Registration No. 5503597 on the ground of abandonment. 1 TTABVUE and 21 TTABVUE 16-17. Petitioner seeks additional relief in the civil action.

Accordingly, in the interests of judicial economy and avoiding inconsistent determinations on the abandonment issue, the motion to suspend is granted. The above-captioned proceeding is suspended pending final determination of the aforementioned civil action between the parties.<sup>1</sup>

The Board will make annual inquiry as to the status of the civil action. Within twenty days of such final determination, Petitioner shall notify the Board in writing and include a copy of all relevant final decisions in that notification. While this case is suspended, the parties must keep their correspondence addresses current.

---

<sup>1</sup> A proceeding is finally determined when an order or ruling that ends litigation has been rendered, and no appeal has been filed, or all appeals filed have been decided and the time for any further review has expired. *See* TBMP § 510.02(b).