

ESTTA Tracking number: **ESTTA1187346**

Filing date: **01/27/2022**

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

Proceeding no.	92078681
Party	Defendant CoalCity Social Club, Inc.
Correspondence address	COALCITY SOCIAL CLUB, INC. 3620 SOUTH COOPER STREET, SUITE 100 ARLINGTON, TX 76015 UNITED STATES Primary email: violet@nwokoyelaw.com 8179620773
Submission	Other Motions/Submissions
Filer's name	violet Nwokoye
Filer's email	violet@NWOKOYELAW.COM
Signature	/s/violetnwokoye
Date	01/27/2022
Attachments	Answer to Petition for Cancellation.pdf(166971 bytes)

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

COALCITY SOCIAL CLUB INC.	§	
DALLAS-FORTH WORTH (DFW),	§	
COAL CITY INTERNATIONAL	§	
CLUB	§	
<i>Petitioner,</i>	§	
v.	§	Registration No. 3893666
	§	ESTTA Tracking No. 1179579
	§	
COALCITY SOCIAL CLUB, INC.	§	
<i>Respondents.</i>	§	
	§	

**COALCITY SOCIAL CLUB INC.’S MOTION TO SUSPEND PROCEEDING AND
ANSWER TO PETITION FOR CANCELLATION**

COME NOW, Coalcity Social Club Inc. (“Respondent”) and file this, their Answer to Petition for Cancellation, and Motion to Suspend Proceeding and in support thereof would show the Board as follows:

MOTION TO SUSPEND PROCEEDING

1. Respondents and Petitioner are parties in an ongoing matter pending in the Northern District of Texas to wit: Civil Action 3:21-cv-0663; *COALCITY SOCIAL CLUB INC. v COALCITY SOCIAL CLUB, DALLAS FORT WORTH, ERIC UMEH, ET AL.*, In the United States District Court of the Northern District of Texas, Dallas, Division (“Pending Action”).
2. Petitioners were former members of Respondent Club; Petitioners voluntary left the Respondent club in 2020 and created another club using Respondent’s name and image.
3. The Petitioners have made several attempts to register the same name with USPTO that they seek to have cancelled and USPTO refused to register Petitioner’s Organization, see Serial # 88714062.
4. In addition to the refusal by USPTO to register Plaintiff’s organization, Plaintiff has

recently submitted two pending applications for registration, which contains the same name they request to be cancelled in this petition. See Serial #s 97156922 and 97157630, another social club disguised under a different category and claiming to provide a service to an unknown population that has no existence. Respondent intends to oppose this registration if and when necessary.

5. The Pending Action in court involves claims and defenses regarding the ownership, use and rights in and to the mark made the basis of this case. In their Petition for Cancellation of Service Mark, Petitioners does not contest the validity of the Mark and its ownership as belonging to Respondent and these are the primary issues” in the Pending Action. See Petition for Cancellation of Service Mark, Section 2 or paragraph 2.
6. The Pending Action may have a bearing on this case and has been pending for at least 9 months before this petition. Therefore, the Trademark Trial and Appeal Board may suspend this case until the termination of the Pending Action. 37 CFR § 2.117(a); *see e.g. Tigercat Int’l*, Civil Action No. 16-cv-1047-GMS (“As a result of the filing of a civil action, the TTAB proceeding was suspended on January 5, 2017 upon a motion by Tigercat. ‘It is the policy of the [TTAB] to suspend proceedings when the parties are involved in a civil action which may be dispositive or have a hearing on the [TTAB] case.’”)
7. Petitioners have filed this Petition as a distraction from the pending litigation, Therefore, Respondents request that the TTAB suspend this case until the Pending Action has been finally decided and concluded.

Subject to and without waiving their Motion to Suspend Proceeding, Respondents submit this

Answer.

ANSWER

Answer to Allegations

1. Respondents deny all allegations of numbered section 1 or paragraph 1.¹
2. Respondents deny all allegations of numbered section 2 or paragraph 2.
3. Respondents deny all allegations of numbered section 3 or paragraph 3.
4. Respondents deny all allegations of numbered section 4 or paragraph 4 .

WHEREFORE, Respondents, Coalcity Social Club Inc., respectfully request that this action be suspended until after the final determination of the Pending Action, or in the alternative, dismissed with prejudice and that Respondents have such other and further relief as deemed just and proper.

Dated: January 24, 2022.

Respectfully submitted,

NWOKOYE LAW FIRM PLLC

/s/Violet Nwokoye

Violet Nwokoye.
TBN: 24041607
SDT ID: 3588011
NDT ID: 0326
3620 South Cooper St., Suite 100
Arlington, Texas 76015
Tel.: (817) 962-0773
Fax: (888) 517-4445
Staff@nwokoyelaw.com

¹ Petitioners failed to number the paragraphs in their Petition. Respondents attempted to identify the paragraphs based on the grouping of sentences under a numbered topic headings and answered accordingly.

CERTIFICATE OF SERVICE

I certify that the foregoing document was electronically submitted to all counsel of record electronically on 1/27/22

/s/ Violet Nwokoye

Violet Nwokoye