

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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February 17, 2023

Cancellation No. 92081219

Peaks & Poles, LLC

v.

Standard Process Inc.

J. Krisp, Interlocutory Attorney:

On January 18, 2023, Respondent filed a motion to suspend this proceeding pending the outcome of an arbitration proceeding between the parties. 5 TTABVUE. On January 19, 2023, the Board issued an order noting that Respondent's motion does not include proof of service. 7 TTABVUE. On January 19, 2023 Respondent re-filed its motion with a certificate of service. 8 TTABVUE.

Also, Respondent's motion to suspend is not double-spaced, as required by Trademark Rule 2.126(a)(1). TBMP § 106.03 ("Form of Submissions"). At this time the Board exercises its discretion to consider the motion. However, the Board may decline to consider any future submission which does not comply with all applicable Rules of Procedure.

Petitioner did not file a brief in response to the motion to suspend.

Respondent's motion includes a copy of relevant portions of the Statement of Claim filed before the American Arbitration Association, from which the Board has ascertained that the outcome of that proceeding may have a bearing on the issues in this Board proceeding. Accordingly, pursuant to Trademark Rule 2.117(a) suspension is appropriate.

Respondent's motion to suspend pending the outcome of the arbitration proceeding is granted as well-taken, and as conceded. *See* Trademark Rules 2.127(a) and 2.117(a).

Proceedings are **suspended** pending final disposition of the arbitration proceeding.

Within **twenty days after the final determination** of the arbitration proceeding, the parties shall so notify the Board so that this proceeding may be called up for appropriate action.¹

During the suspension period, the parties must notify the Board of any address or email address changes for the parties or their attorneys.² In addition, the parties are to promptly inform the Board of any other related cases, even if they become aware

¹ A proceeding is considered to have been 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).

² Respondent's notice of appearance filed on January 18, 2023 (4 TTABVUE) and Respondent's change of correspondence address filed on January 18, 2023 (6 TTABVUE) are noted and entered. However, inasmuch as these submissions also do not include proof of service as required by Trademark Rule 2.119(a), Respondent is again reminded that all future submissions must include proof of service before receiving consideration.

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of such cases during the suspension period. Upon resumption, if appropriate, the Board may consolidate related Board cases.