

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

November 22, 2024

Cancellation No. 92085235

*Indian Industries, Inc. d/b/a Escalade
Sports*

v.

Triumph Designs Limited

Ashlyn Lembree, Interlocutory Attorney:

On November 12, 2024, the parties filed a consented motion to suspend the proceedings pending ex parte prosecution of Petitioner's pleaded application in light of the parties' settlement agreement.

While the Board has no jurisdiction over Petitioner's pleaded application, which is still pending before the Trademark Examining Attorney, a consent agreement may be filed with the Examining Attorney pursuant to a settlement agreement between the parties. *See Home Juice Co. v. Runclin Cos. Inc.*, 231 USPQ 897, 898 n.7 (TTAB 1986); TBMP § 605.03(c) (2024). In view thereof, and because Respondent consented to suspension, this cancellation proceeding is **suspended** pending the outcome of ex parte prosecution of Petitioner's pleaded application. *See Trademark Rule 2.117(c).*