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

Proceeding	91220140
Party	Defendant Tansky, Leonid
Correspondence Address	ALLISON M CORDER VALAUSKAS CORDER LLC 150 S WACKER DR STE 620 CHICAGO, IL 60606-4102 corder@vciplaw.com
Submission	Motion to Suspend for Civil Action
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**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial Nos. 86/199,235

Published in the Official Gazette of December 16, 2014

For the Mark: HYSON

HYSON 2U, LTD.

Opposer,

Opposition No. 91220140

v.

LEONID TANSKY,

Applicant.

APPLICANT'S MOTION TO SUSPEND PROCEEDINGS

Pursuant to 37 C.F.R. Section 2.117 and TBMP Section 510.02(a), Leonid Tansky (“Applicant”) respectfully requests that the Board suspend the above-captioned proceeding pending disposition of a civil action in the United States District Court for the Northern District of Illinois, which was filed by Applicant against Hyson 2U, Ltd. (“Opposer”) on June 11, 2014. The civil action complaint *Hyson USA, Inc., Leonid Tansky, Enna Gazaryan. vs. Hyson 2U, Ltd., Karolis Kaminskas, Inc., Karolis Kaminskas*, Case No. 14 cv 04320 (“Civil Action”) is attached as Exhibit 1. Both Applicant and Opposer are parties to the Civil Action, which involves common issues of law and fact that may have a bearing on this opposition proceeding.

It is the policy of the Board to consider suspension of proceedings before it when a party or both parties are involved in a civil action which may be dispositive of or have a bearing on the Board case, until the termination of such civil action. The applicable rule is §2.117(a), which reads as follows:

Whenever it shall come to the attention of the Trademark Trial and Appeal 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 until termination of the civil action or the other Board proceeding.

To the extent that civil action in a Federal district court involves issues in common with those in a proceeding before the Board, the decision of the district court is often binding on the Board, while the decision of the Board is not binding on the court. *See, e.g., Goya Foods Inc. v. Tropicana Products Inc.*, 846 F.2d 848, 6 USPQ2d 1950 (2d Cir. 1988); *American Bakeries Co. v. Pan-O-Gold Baking Co.*, 650 F. Supp. 563, 2 USPQ2d 1208, 1211 (D. Minn. 1986). *See also* TBMP §510.02(a) (2014). Suspension of a Board proceeding pending the final determination of another proceeding or proceedings is solely within the discretion of the Board. *Id.*

At issue in both this opposition proceeding and the Civil Action are the Applicant's HYSON marks. In this opposition proceeding, Opposer asserts grounds including priority and likelihood of confusion. As seen in the the Civil Action complaint (Exhibit 1), Applicant asserts grounds including trademark infringement, false designation of origin, and trademark dilution.

Due to the nature of the claims in the Civil Action, the determination of the district court may have a bearing on this opposition proceeding. Accordingly, the Board should suspend the pending proceeding until a final determination in the Civil Action between the parties.

Applicant respectfully requests that the Board enter an order suspending this opposition proceeding pending disposition of the Civil Action between the parties that is currently in the United States District Court for the Northern District of Illinois.

Respectfully submitted,

Date: February 18, 2015

/amc/

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CERTIFICATE OF MAILING

This is to certify that I have served Applicant's Motion to Suspend Proceedings, by mailing a true and correct copy on February 18, 2015, via United States first class mail, postage prepaid, addressed to Opposer's counsel of record as follows:

Judi Smith
The Law Office of Judi Smith, LLC
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/mb/

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