

ESTTA Tracking number: **ESTTA926982**

Filing date: **10/08/2018**

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

Proceeding	91243315
Party	Defendant Bruetta, LLC
Correspondence Address	MATTHEW D. DELANEY FROST BROWN TODD LLC 3300 GREAT AMERICAN TWR., 301 E. 4TH ST. CINCINNATI, OH 45202 trademarks@fbtlaw.com, mdelaney@fbtlaw.com no phone number provided
Submission	Motion to Suspend for Civil Action
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Signature	/samantha m quimby/
Date	10/08/2018
Attachments	Bruetta - Motion to Suspend - TTAB .pdf(86763 bytes ) Doc. 1--Complaint--Time Stamped 09.20.18 - 4827-8352-6515.1.pdf(647280 bytes )

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

IN THE MATTER OF: Trademark Application Serial No. 87/724,189 –



DATE OF PUBLICATION: May 1, 2018

Bolero Co. Ltd.,

Opposer,

v.

Bruetta, LLC,

Applicant.

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Opposition Proceeding No. 91243315

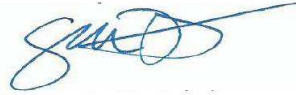
**MOTION TO SUSPEND**

Bruetta, LLC (“Applicant”), by and through Counsel, hereby moves for suspension of these proceedings pursuant to Trademark Rule 2.117(a) and TBMP 502.02(a).

On September 20, 2018, Applicant filed a Complaint in the United States District Court for the Southern District of Ohio, captioned *Bruetta, LLC v. Bolero Co. Ltd.*, Case No. 1:18-cv-00667-MRB-SKB against Opposer for *inter alia*, declaratory judgment of non-infringement of Applicant’s Mark and cancellation of Opposer’s Registration – the trademarks at issue in this proceeding before the Board. The outcome of this civil action will be highly influential upon, if not dispositive of, the issues before the Board in this proceeding. Thus, Applicant respectfully requests suspension of this proceeding pending determination of the civil action. The Complaint as filed in the civil action is attached for the Board’s consideration.

Date: October 8, 2018

Respectfully submitted,



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*Attorneys for Applicant Bruetta, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing MOTION TO SUSPEND was served by email pursuant to TBMP 311.01(c) to the Attorney for Opposer, David I. Greenbaum, Esq. of Fox Rothschild LLP, at the following email addresses of record and on this 8<sup>th</sup> day of October, 2018:

IPDocket@foxrothschild.com  
dgreenbaum@foxrothschild.com



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Samantha M. Quimby  
*Attorney for Bruetta, LLC*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**BRUETTA, LLC,**

**Plaintiff,**

**BOLERO CO. LTD.,**

**Defendant.**

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**Case No.:**

**Judge:**

**COMPLAINT FOR DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF  
TRADEMARK RIGHTS AND FOR CANCELLATION OF DEFENDANT'S  
TRADEMARK REGISTRATION**

Plaintiff Bruetta, LLC (“Plaintiff” or “Bruetta”) files this Complaint for declaratory judgment and other affirmative relief and alleges against Defendant Bolero Co. Ltd. (“Defendant” or “Bolero”):

**Nature of Action**

1. Bruetta seeks a declaration that its use of the Bruetta B Design Mark, as defined herein, does not infringe Defendant’s rights in any way.

2. Bruetta also seeks to have Defendant’s trademark registration for its Bolero B Design Mark, as defined herein, canceled in-part as the registration provides Defendant with a priority date on certain goods and services to which it is not entitled.

**The Parties**

3. Bruetta is an Ohio limited liability company with offices at 7100 Dixie Highway, Fairfield, Ohio 45014, and is qualified to do business, and is doing business, in the State of Ohio and in this judicial district.

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