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

Proceeding	91265171
Party	Plaintiff Wm. Wrigley Jr. Company
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Submission	Motion to Suspend for Civil Action
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Date	05/03/2021
Attachments	Terphogz Motion to Suspend 5-3-21.pdf(5605138 bytes )

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

WM. WRIGLEY JR. COMPANY,

Opposer,

v.

TERPHOGZ, LLC,

Applicant.

Opposition No. 91265171

Serial No. 88/703,451

Mark:



**OPPOSER WM. WRIGLEY JR.'S MOTION TO SUSPEND  
PENDING FINAL DISPOSITION OF CIVIL ACTION**

Opposer Wm. Wrigley Jr. Company ("Opposer") moves to suspend this opposition proceeding pending the final disposition of a civil action involving Opposer and Applicant Terphogz, LLC ("Terphogz"). TBMP § 510.02.

In this opposition proceeding, Opposer has alleged claims of prior use and likelihood of confusion and dilution against Terphogz's application for ZKITTLEZ HEMP & Cloud Design. *See* 1 TTABVUE ¶¶ 18-21. On May 3, 2021, Opposer commenced a civil action styled *Wm. Wrigley Jr. Company v. Terphogz, LLC et al.*, Civ. Act. No. 1:21-cv-02357 against Terphogz in the United States District Court for the Northern District of Illinois ("Civil Action"). *See* Complaint, a copy of which is attached. In the Civil Action, Opposer alleges claims for trademark infringement, trademark dilution, and related claims arising under federal and state law based in part on Terphogz's use and attempted registration of ZKITTLEZ HEMP & Cloud Design that is the subject of this opposition. Opposer's Complaint in the Civil Action alleges ownership of the same SKITTLES marks that Opposer's Notice of Opposition alleges in this opposition. Because

the final disposition of the Civil Action will bear on this opposition, the Board should suspend this opposition. Opposer respectfully requests that this motion be granted.

Respectfully submitted,

Dated: May 3, 2021

By: /John J. Dabney/  
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*Counsel for Opposer Wm. Wrigley Jr.  
Company*

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 3, 2021, a copy of the foregoing Opposer Wm. Wrigley Jr. Company's Motion to Suspend Pending Final Disposition of Civil Action was served upon Applicant Terphogz, LLC by email at the following address for its attorneys of record:

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

WM. WRIGLEY JR. COMPANY, a Delaware  
corporation,

Plaintiff,

v.

TERPHOGZ, LLC, a California limited  
liability company, and JOHN DOES 1-5,

Defendants.

Case No. 21-CV-02357

Judge

**COMPLAINT**

Plaintiff Wm. Wrigley Jr. Company (“Wrigley”) alleges the following for its Complaint against Defendant Terphogz, LLC (“Terphogz”) and Defendants John Does 1-5 (“Doe Defendants”) (collectively, “Defendants”).

**PRELIMINARY STATEMENT**

1. Founded in 1891 in Chicago, Illinois, Wrigley is a leading candy manufacturer and owns the iconic SKITTLES brand for the fruit-flavored candy. Wrigley has invested nearly 50 years and hundreds of millions of dollars carefully cultivating the goodwill symbolized by the SKITTLES mark. More than a generation ago, Wrigley launched an advertising campaign for SKITTLES featuring the slogan TASTE THE RAINBOW. That campaign has become one of the longest-running, most successful campaigns in the history of advertising. Today, SKITTLES candy, each piece bearing the familiar S logo, is the best-selling, non-chocolate candy in the country, and the tagline TASTE THE RAINBOW is synonymous with SKITTLES. Packaging and advertising featuring Wrigley’s SKITTLES mark, TASTE THE RAINBOW slogan, and S logo

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