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

Proceeding	91162237
Party	Plaintiff Mattel, Inc.
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Submission	Response to Board Order/Inquiry
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Signature	/Jill M. Pietrini/
Date	01/23/2015
Attachments	Plaintiff's Response to Board Order-Inquiry - Mattel, Inc. - MGA Entertainment, Inc. (January 23, 2015).DOC.pdf(3140166 bytes )

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

<p>Mattel, Inc.,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">vs.</p> <p>MGA Entertainment, Inc.,</p> <p style="text-align: center;">Applicant.</p>	<p>Examining Attorney</p> <p>Opposition No. 91-162237</p>
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**OPPOSER'S RESPONSE TO ORDER RE: STATUS OF CIVIL ACTION**

The Board has ordered the parties to inform it of the status of the civil action that occasioned the suspension of this proceeding. Opposer, Mattel, Inc. (“Mattel”), hereby respectfully responds to the Board’s Order. By Order dated February 12, 2009, the Board suspended the instant proceedings because the parties were involved in a pending civil action that may be dispositive of or have a bearing on the Board case. The civil action that occasioned the suspension was captioned *Carter Bryant v. Mattel, Inc.*, Case No. CV 04-9049, and *MGA Entertainment, Inc. v. Mattel, Inc.*, Case No. CV-05-02727. As explained in Opposer’s December 5, 2013 submission to the Board regarding the civil action’s status, the civil action was still pending as of that time, although the United States Court of Appeals had ordered dismissal of MGA’s trade secret claim without prejudice. Subsequently, the United States District Court for the Central District of California dismissed MGA’s trade secrets claim without prejudice. MGA then refiled its civil action on January 13, 2014 in Los Angeles County Superior Court. MGA’s refiled civil action is captioned *MGA Entertainment, Inc. v. Mattel, Inc.*, Case No. BC 532708. A copy of MGA’s Complaint in the civil action is attached hereto as **Exhibit A**. A copy of Mattel’s Answer in the civil action is attached hereto as **Exhibit B**.

Accordingly, although now being litigated in a different court, the civil action that occasioned the Board's suspension of this proceeding remains pending.

Respectfully submitted,

Dated: January 23, 2015

/Jill M. Pietrini/  
Jill M. Pietrini  
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*Attorneys for Plaintiff, Mattel, Inc.*

### **CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. §2.195(a) on January 23, 2015.

/LaTrina A. Martin/  
LaTrina A. Martin

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing correspondence is being deposited as first class mail, postage prepaid, in an envelope addressed to:

Eleanor Trope, Esq.  
MGA Entertainment, Inc.  
16380 Roscoe Boulevard  
Van Nuys, California, 91406

on this 23<sup>rd</sup> day of January, 2015.

/s/LaTrina A. Martin  
LaTrina A. Martin

SMRH:436127345.1

# Exhibit A

A6025  
91406

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**FILED**  
Superior Court of California  
County of Los Angeles

JAN 13 2014

Sherri R. Carter, Executive Officer/Clerk  
By Cristina Grijalva Deputy  
Cristina Grijalva

6 Attorneys for Plaintiff  
MGA ENTERTAINMENT, INC.

D24 Robert L. Hess  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

BC532708

ORIGINAL

11 MGA ENTERTAINMENT, INC., a  
12 California corporation,  
13  
14 Plaintiff,  
15  
16 vs.  
17 MATTEL, INC., a Delaware corporation,  
and DOES 1-50, inclusive,  
18  
19 Defendant.

Case No.  
**CIVIL COMPLAINT FOR  
TRADE SECRET MISAPPROPRIATION**  
**DEMAND FOR JURY TRIAL**  
Date Action Filed: January 13, 2014  
Trial Date: None Set

01/13/2014

CIT/CASE: RC532708  
LEA/DEF#: RECEIPT #: CGH195707012  
DATE PAID: 01/13/14 08:35 AM  
PAYMENT: \$1,435.00 310  
RECEIVED:  
CHECK: \$1,435.00  
CASH: \$0.00  
CHANGE: \$0.00  
CARD: \$0.00

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