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

Proceeding	91174560
Party	Plaintiff Rock Rebel Rock Rebel Rock Rebel PO Box 2205 La Habra, CA 90632 UNITED STATES
Correspondence Address	ERIC J. GOODMAN GOODMAN LAW GROUP, PC 695 TOWN CENTER DRIVE , 14TH FL COSTA MESA, CA 92626 UNITED STATES
Submission	Motion to Suspend for Civil Action
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Date	04/26/2007
Attachments	Motion to Suspend Proceedings 4-26-07.pdf (26 pages)(1019537 bytes)

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

ROCK REBEL

Opposer,

v.

JOHN N. OLEANDER,

Applicant.

Opposition No. 91/174,560

Mark: ROCK REBEL

MOTION TO SUSPEND PENDING INTERPARTES PROCEEDING

Opposer, Rock Rebel (“Opposer”), moves to suspend the above-captioned proceeding pending disposition of the federal action, Case No. SACV07-332 JVS(MLGx), filed by Opposer against Applicant, John N. Oleander (“Applicant”) in the U.S. District Court for the Central District of California.

Opposer adopted the trademark ROCK REBEL in 2004 and has applied for federal registration of its trademark ROCK REBEL for online retail store services (Application Serial No. 77,108,580 in Class 35) and for apparel (Application Serial No. 77,108,594 in Class 25).

Opposer has filed a Notice of Opposition to Application Serial No. 78,850,361, for ROCK REBEL in Classes 14, 25 and 26, claiming prior use of the mark ROCK REBEL. Believing itself to be the first user of the mark throughout the United States, Applicant has filed a civil action charging Opposer with infringement of its trademark rights. The pleadings in this Civil Action are attached hereto as Exhibit A.

Disposition of the civil action will determine who has superior rights to the trademark, ROCK REBEL, and whether Applicant is entitled to register the same.

Opposer contacted Applicant's counsel to request that Applicant stipulate to suspension of the opposition proceedings pending the disposition of the above-referenced civil action, but Applicant's counsel declined to so stipulate. Accordingly, Opposer respectfully submits this unilateral motion and, in the interest of efficiency and judicial economy, requests that that all further proceedings in Opposition No. 91/174,560 be suspended pending disposition of Case No. SACV07-332 JVS (MLGx).

Respectfully submitted,
BMKG Lawyers, LLP
fka Goodman Law Group, PC
2020 Main Street, Suite 600
Irvine, CA 92618

Dated: April 26

By: /Amanda J. McLaughlin/
Amanda J. McLaughlin
Attorneys for Opposer, Rock Rebel

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **POWER OF ATTORNEY** was served upon counsel for Applicant by depositing one copy thereof in the United States Mail, first class postage prepaid, on April 26, 2007, addressed as follows:

James G. O'Neill
KLEIN, O'NEILL & SINGH
Suite 204 43 Corporate Park
Irvine, CA 92606

By: /Amanda McLaughlin /
Amanda McLaughlin

FILED

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Attorneys for Plaintiffs
Kevin Thunell and Bella Hana Sybirski

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION
SACV07-332 JVS(MLGx)

Case No.

KEVIN THUNELL and BELLA HANA SYBIRSKI, a partnership,

Plaintiffs,

vs.

**JOHN N. OLANDER, an individual;
OLANDER ENTERPRISES, INC., a
California corporation, and DOES 1
through 10,**

Defendants.

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

- 1. False Designation of Origin/Federal Unfair Competition Under 15 U.S.C. § 1125(a)**
- 2. Federal Trademark Dilution Under 15 U.S.C. § 1125(c)(1)**
- 3. Violation of the Anti-Cybersquatting Consumer Protection Act**
- 4. Unfair Competition in Violation of California Business & Professions Code § 17200, et seq.**
- 5. False Advertising in Violation of California Business & Professions Code § 17500, et seq.**
- 6. Trademark Infringement in Violation of Bus. & Prof. Code § 14320, et seq. and Trademark Dilution in Violation of Bus. & Prof. Code §§ 14330, et seq.**
- 7. Violation of the California Anti-Phishing Act, Bus. & Prof. Code Sections §§22948, et seq.**

DEMAND FOR JURY TRIAL

Plaintiffs KEVIN THUNELL and BELLA HANA SYBIRSKI (hereinafter

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