

ESTTA Tracking number: **ESTTA274670**

Filing date: **03/27/2009**

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

Proceeding	91189098
Party	Defendant Trish Bel
Correspondence Address	Dana Roberts Nordic Group of Companies, Ltd. 414 Broadway, Suite 200, Attn: Trademarks Baraboo, WI 53913 UNITED STATES sstauffacher@nordicgroup.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Roberta Jacobs-Meadway
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Signature	/Roberta Jacobs-Meadway/
Date	03/27/2009
Attachments	motion to suspend op no 91189098.PDF (15 pages)(813375 bytes)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED ELECTRONICALLY TO THE COMMISSIONER FOR TRADEMARKS - <http://esta.uspto.gov/filing-type.jsp>

By: Mary J. Boesenhofer
DATE: March 27, 2009

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

NOASHA LLC	:	
	:	
OPPOSER,	:	
	:	
v.	:	Opposition No. 91189098
	:	SN 77/421,508
TRISH BELL	:	
	:	
APPLICANT.	:	

MOTION FOR SUSPENSION

Honorable Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

Applicant Bell hereby moves the Trademark Trial and Appeal Board pursuant to 37 C.F.R. §2.117(a) and (c), for an order suspending the above-captioned proceeding on the grounds that a civil action is pending, the final determination of which action is likely to have a bearing on the case before the Board in this opposition proceeding.

In support of this motion, applicant submits the following:

1. The Opposer is engaged in a pending civil action no. 08-5635 as plaintiff against Nordic Group of Companies, Ltd., Flambeau, Inc., and Duncan Toys Company filed on December 3, 2008, pursuant to 15 U.S.C. 1114 and 1121 of the Lanham Act in the United States District Court for the Eastern District of Pennsylvania ("Civil Action"). A copy of the complaint filed by Opposer in that action is attached as Exhibit A.
2. In the Civil Action, Opposer alleges that use of the Applicant's mark on

Applicant's goods by Applicant's licensee is likely to cause confusion, which is the same allegation Opposer makes in the notice of opposition in this proceeding.

3. The issue is joined in the Civil Action as to whether use of the mark which is the subject of the opposition proceeding violates any trademark rights of Opposer.

4. The determination of such Civil Action is accordingly likely to bear on the outcome of this subsequently filed opposition.

5. The consent of Opposer to this motion was sought on March 23, but consent has not been given.

Respectfully submitted,

Dated: March 27, 2009

By: Roberta Jacobs-Meadway
Roberta Jacobs-Meadway
Joseph L. Hoynoski, III
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ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached Motion For Suspend filed with the U.S. Trademark Trial and Appeal Board was served on counsel for the Opposer on the date listed below via U.S. mail delivery:

Anthony J. Dimarino, III, Esquire
Damian M. Biondo, Esquire
A.J. Dimarino P.C.
57 Euclid Street, Suite A
Woodbury, NJ 08096

Dated: 3/27/09

By: Mary T. Boesenhofer
Mary T. Boesenhofer

EXHIBIT A

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