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

Proceeding	91194987
Party	Plaintiff Swarm, LLC
Correspondence Address	Jessie K. Reider, CA Bar No. 237,113 Buchalter Nemer, A Professional Corporation 1000 Wilshire Blvd., Suite 1500 Los Angeles, CA 90017 UNITED STATES trademark@buchalter.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Jessie K. Reider, CA Bar No. 237,113
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Date	05/21/2010
Attachments	MOtion to Suspend.PDF (20 pages)(688007 bytes)

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

In the matter of Trademark Application Serial Number 77/852,023

For the Mark: **SHADES OF GREY**

Published in the *Official Gazette* on March 23, 2010

SWARM, LLC,

Opposer;

v.

NANCY SIDONIE COHEN,

Applicant

Opposition No.: 91194987

Application: Serial No. 77/852,023

Mark: SHADES OF GREY

Published For Opposition: March 23,
2010

MOTION TO SUSPEND OPPOSITION

Opposer SWARM, LLC (“Opposer”) requests that the instant Opposition be suspended pending disposition of a pending civil lawsuit, pursuant to 37 CFR 2.117.

On April 28, 2010, Opposer filed a complaint in the United States District Court for the Central District of California entitled *Swarm, LLC v. Micah A. Cohen and Nancy Sidonie Cohen, etc.*, which was designated as case number CV 10-3188 DDP (FFMx), and which asserted claims for, *inter alia*, trademark infringement; false designation of origin; and declaratory judgment for withdrawal of defendants’ trademark application (“Complaint”). A copy of the Complaint as filed is attached as Exhibit “A.” The defendants named in the Complaint are Micah A. Cohen and Nancy Sidonie Cohen. Nancy Sidonie Cohen is the applicant in the instant Opposition (“Applicant”).

The allegation of trademark infringement is based on Mr. Cohen's use of the SHADES OF GREY trademark, and his mother's, the Applicant's, application to register the SHADES OF GREY mark – which is the subject of the instant Opposition.

The Complaint further seeks declaratory judgment that the pending application to register the SHADES OF GREY mark is void and should be withdrawn from the register.

Because final determination of the Complaint will have a bearing on the issues presented in the instant Opposition, Applicant requests that the Opposition proceedings be suspended during the pendency of the federal suit resulting from the Complaint.

Applicant thanks the Trademark Trial and Appeal Board for consideration of this Motion. Please contact the undersigned with any questions.

Respectfully submitted,

BUCHALTER NEMER
A Professional Corporation

Date: May 21, 2010

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Proof of Service

I hereby certify that a true and correct copy of the instant **Motion to Suspend** has been served on the Correspondence of Record, Nancy Sidonie Cohen, at the address of record for the instant proceeding. A copy of the instant Response was sent via First Class mail, postage pre-paid, on May 21 2010 to:

Nancy Sidonie Cohen
3744 Mandeville Canyon Road
Los Angeles, California 90049

By:


Jessie K. Reider

BN 6240239v2

Exhibit A

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