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

|             |                                  |
|-------------|----------------------------------|
| Proceeding. | 91197314                         |
| Applicant   | Plaintiff<br>Leachco, Inc.       |
| Other Party | Defendant<br>Jeffco Fibres, Inc. |

### Motion for Suspension in View of Civil Proceeding With Consent

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Leachco, Inc. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Leachco, Inc. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Leachco, Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,  
/Mary M. Lee/  
Mary M. Lee  
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11/17/2010

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

*In the matter of application Serial No. 77/942,780  
For the Mark CRADLEU  
Published in the Official Gazette on July 13, 2010*

Leachco, Inc.,

Opposer

v.

Opposition No. 91197314

Jeffco Fibres, Inc.,

Applicant

COMMISSIONER FOR TRADEMARKS  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MOTION TO SUSPEND OPPOSITION  
PENDING OUTCOME OF RELATED CIVIL CASE  
AND BRIEF IN SUPPORT THEREOF**

Pursuant to 37 C.F.R. § 2.117(a) and Rule 510.02(a) of the Trademark Board Manual of Procedure, Opposer, Leachco, Inc. (“Opposer”) requests the Board to suspend the above-captioned opposition, hereafter “Opposition,” pending resolution of the civil action now pending before the United States District Court for the Western District of Oklahoma, assigned case number 5:10-CV-01200-C, hereafter referred to as the “Civil Case.”

The Civil Case was brought by Opposer against Applicant, Jeffco Fibres, Inc. (“Applicant”) and seeks a judicial determination, pursuant to Lanham Act and related state law claims, that Opposer’s use of the mark CRADELU, which is the subject of this Opposition, infringes Opposer’s CUDDLE-U mark. Thus, the Civil Case involves issues in common with those in the Opposition and the final determination of the Civil Case will

have a bearing on the issues presented in this Opposition. A copy of the Complaint filed by Opposer is submitted herewith.

Mr. Mark P. White, attorney for the Applicant, has authorized the undersigned to state that the Defendant consents to this motion.

Based on the foregoing, an order from the Board suspending this Opposition pending final adjudication of the Civil Case respectfully is requested.

Respectfully Submitted,

/Mary M. Lee/

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Attorneys for Opposer, Leachco, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing MOTION TO SUSPEND PENDING OUTCOME OF RELATED CIVIL CASE AND BRIEF IN SUPPORT THEREOF was served upon Applicant by mailing the same by first-class mail, postage prepaid, to:

Mark P. White, Esq.  
WHITE & FUDALA, LC  
57 Bedford Street, Ste. 100  
Lexington MA 02420-4550

on November 17, 2010.

\_\_\_\_\_  
/Mary M. Lee/

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

LEACHCO, INC. an Oklahoma )  
corporation, )  
 )  
Plaintiff, )  
 ) Case No. CIV-10-1200-C  
vs. )  
 )  
JEFFCO FIBRES, INC., a Massachusetts )  
corporation, )  
 )  
Defendant. )

**COMPLAINT**

Plaintiff, Leachco, Inc. ("Leachco"), for its Complaint against Defendant, Jeffco Fibres, Inc. ("Jeffco"), alleges and states:

**I. PARTIES**

1. Leachco is a corporation organized under the laws of the State of Oklahoma with its principal place of business in Ada, Oklahoma.

2. Upon information and belief, Jeffco is a corporation organized under the laws of the State of Massachusetts with its principal place of business in Webster, Massachusetts.

**II. JURISDICTION AND VENUE**

3. Jeffco is a foreign corporation with its principal place of business and domicile located in a state other than Oklahoma. Leachco is an Oklahoma corporation headquartered in Ada, Oklahoma. This action is therefore one between citizens of different states. The amount in controversy exclusive of interest and costs exceeds

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