

ESTTA Tracking number: **ESTTA561790**

Filing date: **09/27/2013**

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

Proceeding	91211304
Party	Defendant Fab.com, Inc.
Correspondence Address	MARGRET CARUSO QUINN EMANUEL URQUHART & SULLIVAN LLP 555 TWIN DOLPHIN DR, 5TH FLOOR REDWOOD SHORES, CA 94065 UNITED STATES benjamingildin@quinnemanuel.com, margretcaruso@quinnemanuel.com, claudiabogdanos@quinnemanuel.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Kenneth A. Plevan
Filer's e-mail	bgoldner@skadden.com, kplevan@skadden.com, smarquez@skadden.com
Signature	/Kenneth A. Plevan/
Date	09/27/2013
Attachments	FAB DEALS 91211304.pdf(1238136 bytes)

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

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JUST FABULOUS, INC,	:	In the Matter of Trademark
	:	Application Serial No. 85/230,638
Opposer,	:	
	:	Opposition No. 91211304
- against -	:	
	:	Mark: FAB DEALS
FAB.COM, INC,	:	
	:	
Applicant.	:	
----- x		

MOTION TO SUSPEND OPPOSITION UNDER 37 CFR §2.117

Pursuant to Section 2.117 of the Trademark Rule of Practice (37 CFR § 2.117) and Section 510.02(a) of the Trademark Trial and Appeal Board Manual of Procedure, Third Edition, Revision 2 (June 2013) (“TBMP”), Fab.com, Inc. (“Applicant”), hereby informs the Trademark Trial and Appeal Board (the “Board”) that the parties to Opposition No. 91211304 are also parties to a civil action, commenced by Opposer herein, currently pending before the United States District Court for the Central District of California, No. CV-13-05330. A copy of the Complaint, dated and filed July 24, 2013, as filed with the Clerk of the Court is attached hereto as Exhibit 1.

Inasmuch as said federal court civil action involves issues common with those in this opposition proceeding before the Board, and that the decision of the federal district court will be binding upon the Board, while the decision of the Board would not be binding upon the federal court, Applicant respectfully requests that the Board suspend Opposition No. 91211304 pending the outcome of the proceeding

before the United States District Court for the Central District of California, No. CV-13-05330.


Applicant has notified Opposer of this Motion, and is authorized to state that Opposer does not object to the relief requested herein.

Dated: September 25, 2013

Respectfully submitted,

SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP

Attorneys for Applicant

By: 
Kenneth A. Plevan

Four Times Square
New York, New York 10036
kenneth.plevan@skadden.com
(212) 735-3000 (Phone)
(212) 735-2000 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION TO SUSPEND OPPOSITION was served on the attorney for Opposer by first class mail, this 25th day of September 2013, addressed to:

Patricia H. Benson, Esq.
Mitchell Silberberg & Knupp
11377 West Olympic Boulevard
Los Angeles, CA 90064-1683

Attorneys for Opposer

Date: September 25, 2013

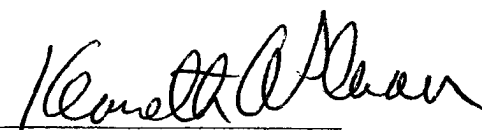
By: 
Kenneth A. Plevan

Exhibit 1

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