

ESTTA Tracking number: **ESTTA561786**


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

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

Proceeding	91211771
Party	Defendant Fab.com, Inc.
Correspondence Address	KENNETH A PLEVAN SKADDEN ARPS SLATE MEAGHER & FLOM LLP FOUR TIMES SQUARE NEW YORK, NY 10036-6522 UNITED STATES bgoldner@skadden.com, kplevan@skadden.com, smarquez@skadden.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 AUTHEN 91211771.pdf(1230838 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. 85/696,541
Opposer,	:	
	:	Opposition No. 91211771
- against -	:	
	:	
FAB.COM, INC,	:	
	:	
Applicant.	:	
----- x		

Mark: 

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. 91211771 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. 91211771

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

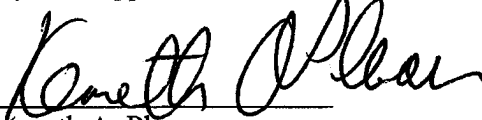
Applicant has notified Opposer of this Motion, and is authorized to state that Opposer does not object to the relief requested herein.

Dated: September 26, 2013

Respectfully submitted,

SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP

Attorneys for Applicant

By: 
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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 26th 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

Dated: September 26, 2013


By: 
Kenneth A. Plevan

Exhibit 1

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