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

Proceeding	92049243
Party	Defendant Kurt L. Balderson
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Submission	Motion to Suspend for Civil Action
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Signature	/Kenneth H. Leichter/
Date	11/09/2010
Attachments	92049243 Motion to Suspend for Civil Action.pdf (3 pages)(11039 bytes) Stuffits Exhibit A.pdf (52 pages)(1154727 bytes)

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

<p>E.A. SWEEN COMPANY</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>KURT L. BALDERSON</p> <p style="text-align: center;">Registrant.</p>	<p>Cancellation No. 92049243</p> <p>Registration Nos. 2830565 2830566</p>
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STIPULATED MOTION TO SUSPEND PROCEEDINGS FOR CIVIL ACTION

Pursuant to Trademark Rule 2.127(a) and 2.117(a), 37 C.F.R. §§ 2.127(a) and 2.117(a), Registrant Kurt L. Balderson respectfully requests that the Board suspend this cancellation proceeding pending final disposition of the civil action before the U.S. District Court for the Eastern District of Pennsylvania, Kurt L. Balderson v. E.A. Sween Company, Civil Action No. 10-CV-440 (filed October 26, 2010) (Copy of complaint and civil cover sheet Attached as Exhibit A).

Counsel for Petitioner, Bradley Walz, stipulated to this request by e-mail on November 8, 2010.

Both Petitioner and Registrant are parties to the civil action, which involves common issues of law and fact that may have a bearing on this proceeding. In particular, the civil action involves claims of, among other things, trademark infringement against Petitioner's trademark and goods that are involved in the present proceeding. In view of the common issues between the civil action and the pending cancellation proceeding before the Board, Petitioner submits that any decision of the

federal court may have a bearing on or be binding upon the Board in this case. TBMP § 510.

Accordingly, Petitioner requests that this proceeding be suspended pending final determination of the civil action. TBMP § 510.

The parties are also adverse in Opposition No. 91189205 and are requesting suspension of that proceeding as well.

Respectfully Submitted,

Dated: November 9, 2010

/Kenneth H. Leichter/
David M. Kelly
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Attorneys for Registrant
Kurt L. Balderson

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing MOTION TO SUSPEND PROCEEDINGS FOR CIVIL ACTION was served by first class mail, postage prepaid, on this 9th day of November 2010, upon counsel for Petitioner:

Bradley J. Walz
Winthrop & Weinstine, P.A.
225 South Sixth Street, Suite 3500
Minneapolis, MN 55402

/Larry L. White/
Larry L. White
Legal Assistant

Exhibit A

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