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Filing date: **10/06/2020**

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

Proceeding	92074712
Party	Defendant Nutrasource Diagnostics Inc.
Correspondence Address	JOHN A. CLIFFORD MERCHANT & GOULD P.C. P.O. BOX 2910 MINNEAPOLIS, MN 55402 UNITED STATES Primary Email: jclifford@merchantgould.com Secondary Email(s): aavery@merchantgould.com, dockm- pls@merchantgould.com, tsinnott@bereskinparr.com 612-336-4616
Submission	Motion to Suspend for Civil Action
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Date	10/06/2020
Attachments	14316592_1.PDF(91706 bytes) 14313731_1.PDF(890050 bytes)

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

NutrasourceRD, LLC,)	
)	
Petitioner,)	Opposition No. 92074712
)	Mark: NUTRASOURCE
v.)	Registration No. 5,367,424
)	Registration Date: January 2, 2018
Nutrasource Diagnostics Inc.)	
)	
Registrant.)	

AMENDED MOTION TO SUSPEND FOR CIVIL ACTION

On September 1, 2020, Registrant Nutrasource Diagnostics Inc. sued Petitioner NutrasourceRD, LLC in the United States District Court, District of New Jersey, case number 3:20-cv-12193, addressing the same issues in this proceeding. (See attached Complaint.) On that same date, pursuant to 37 C.F.R. § 2.117(a), Registrant filed a Motion to Suspend for Civil Action and attached a copy of the Complaint. (Dkt. #7.) That Motion is still pending. However, it has come to Registrant's attention that Petitioner was not served with a copy of the earlier Motion to Suspend. Registrant regrets this oversight and attaches a Certificate of Service demonstrating that Petitioner has now been properly served through this Amended Motion to Suspend and that Registrant has complied with 37 C.F.R. § 2.119. Petitioner, through its counsel, has been aware of the Civil Action and Complaint since September 1, 2020, when notice was provided via email.

Registrant respectfully requests that the Board suspend this pending case until termination of the civil action.

Respectfully submitted,

NUTRASOURCE DIAGNOSTICS INC.

By its attorneys,

Date: 10/06/2020

/John A. Clifford/

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **AMENDED**
MOTION TO SUSPEND FOR CIVIL ACTION was served, via email, this 6th day of
October 2020 to the following attorney of record.

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NUTRASOURCE DIAGNOSTICS INC.,)	
(A Canadian Corporation),)	
)	Civil Action No. __
Plaintiff,)	
)	
v.)	
)	JURY TRIAL DEMANDED
NUTRASOURCERD, LLC,)	
(A New Jersey Limited Liability)	
Company),)	
Defendant.)	
)	
)	

COMPLAINT

COMES NOW the Plaintiff, Nutrasource Diagnostics Inc., by its attorneys, to assert its claims against Defendant NutrasourceRD. Plaintiff states and alleges as follows:

The Parties

1. Plaintiff, Nutrasource Diagnostics Inc. is a corporation formed under the laws of Canada, having a principal place of business at 120 Research Lane, Suite 101, Guelph, Ontario,

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