

1118/70951

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

-----X
METAGENICS, INC.

Opposer,

v.

Opposition No. 111,016

COLLAGENESIS, INC.,

Applicant.



12-04-2001

U.S. Patent & TMO/TM Mail Rcpt Dt. #01

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MOTION ON CONSENT TO SUSPEND PROCEEDING

COLLAGENESIS, INC., by and through its attorneys hereby moves the Board to suspend proceedings in this case for six months pursuant to Trademark Rule § 2.117(c). The suspension is subject, however, to the right of either party to Opposition No. 111,016 to request resumption of said Opposition at any time prior to end of the six months.

The parties are working together to draft an amendment to the identification of goods that will be acceptable to the Trademark Office, as well as to both of them. This suspension is requested to allow the parties the necessary time to pursue such discussions. This is the only issue to be resolved before the Opposition is settled. Therefore, Collagenesis respectfully submits that it has shown good cause for the requested suspension.

EXPRESS MAIL CERTIFICATE

Date 12-4-01 Label No. EL706715968-US

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Trademarks, 2500 Crystal Drive, Arlington, VA 22202-3513 by "Express Mail Post Office to Addressee" service.

D. DAVIS
Name (Print)

[Signature]
Signature

Counsel for Opposer, Gurujodha S. Khalsa, Esq., consented to this motion by telephone conference this 4th day of December, 2001. Mr. Khalsa, in-house counsel for Metagenics, Inc., advised Applicant's attorney that Clayton, Howarth & Cannon is no longer representing Opposer and that he is authorized to consent to this motion. Contemporaneously with the mailing of this request, a copy of this document is being served first class mail on Applicant's attorney. This request is submitted in triplicate.

Respectfully submitted,

DARBY & DARBY P.C.

Date: December 4, 2001

By Randi S. Miller
Randi S. Miller
Attorney for Applicant,
COLLAGENESIS, INC.

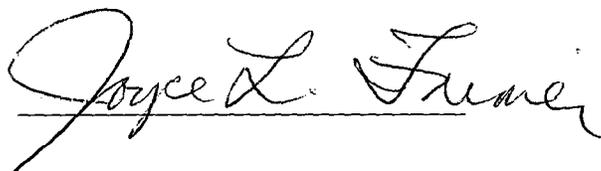
805 Third Avenue, 27th Floor
New York, NY 10022-7513
(212) 527-7691

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **MOTION ON CONSENT TO SUSPEND PROCEEDING** was served by first class mail to counsel for Applicant addressed as follows:

Gurujodha S. Khalsa, Esq.
METAGENICS, INC.
100 Avenida La Pata
San Clemente, CA 92673

Dated: December 4, 2001

A handwritten signature in cursive script, reading "Joyce L. Fumeri", written over a horizontal line.