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EXHIBITS

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

SARATOGA BEVERAGE GROUP, INC.,

Opposer,

v.

Serial No. 75/447,627
Opposition No. 118,685

SARASODA, INC.,

Applicant.



06-11-2001

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

SARATOGA BEVERAGE GROUP, INC.,

Petitioner,

Reg. No. 2,326,908
Cancellation No. 31,411

v.

SARASODA, INC.,

Respondent.

MOTION TO SUSPEND THE PENDING OPPOSITION AND CANCELLATION

Pursuant to 37 C.F.R. §2.117(a), Applicant, Sarasoda, Inc., successor by assignment from PJ's Bar-B-Q, Inc. hereby moves to suspend **Opposition No. 118,685** and **Cancellation No. 31,411** on the grounds that the parties are engaged in a civil action where the decision of the district court will be dispositive of the issues before the Board.

Applicant is the Respondent in both the Opposition and Cancellation Proceedings. Opposition No. 118,685 was filed in opposition to Applicant's application to register the mark SARASODA for soft drinks on the Principal Register whereas Cancellation No. 31,411 was filed

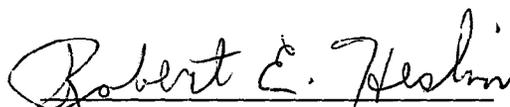
to cancel Applicant's registration of the mark SARASODA and Design for soft drinks on the Principal Register.

On April 27, 2001, Opposer filed a trademark infringement action in the U.S. District Court, Northern District of New York against Applicant based on a claim of likelihood of confusion between Opposer's registered "SARATOGA" marks and Applicant's SARASODA and SARASODA and Design marks. The civil action between the parties is referenced as *Saratoga Beverage Group, Inc. v. PJ's Bar-B-Q, Inc. and Sarasoda, Inc.*, 01-CV-0626 (FJS/RWS). (The Complaint Attached as Exhibit "A".)

Therefore because the decision by the district court in the above referenced action will be dispositive of the issues before the Board, the Applicant hereby requests that the Board suspend the pending Opposition and Cancellation Proceedings pending determination of the said civil action. 37 C.F.R. §2.117(a).

Respectfully submitted,

Date: June 8, 2001



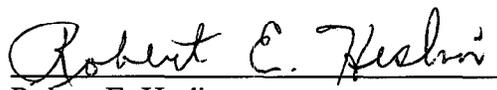
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CERTIFICATE OF MAILING

I hereby certify that the attached *MOTION TO SUSPEND THE PENDING OPPOSITION AND CANCELLATION* is being deposited with the U.S. Postal Service with sufficient postage as first class U.S. mail on June 8, 2001 in an envelope addressed to:

BOX TTAB
NO FEE
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Arlington, Virginia 22202-3513

Linda Skoro
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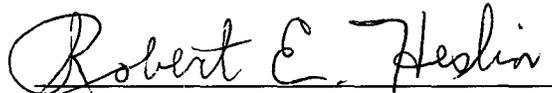

Robert E. Heslin
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PROOF OF SERVICE

The person whose signature appears below confirms that a true and correct copy of the foregoing *MOTION TO SUSPEND THE PENDING OPPOSITION AND CANCELLATION* has been served upon Opposer by transmitting a copy of the same by first class mail, which mailing was made this 8 day of June, 2001 to counsel for Opposer as follows:

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