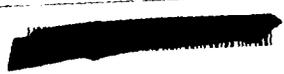


T TAB

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

**In the Matter of Trademark Serial No. 75/786,274
Filed August 24, 1999
For the mark MMG O'NEIL
Published in the Official Gazette on April 25, 2000**



05-14-2003

U.S. Patent & TMO/c/TM Mail Ropt Dt. #22

GO MEDICAL INDUSTRIES PTY, LTD.))	
)	
Opposer,))	OPPOSITION NO.
)	
v.))	119,020
)	
MEDICAL MARKETING GROUP INC.))	
)	
Applicant.))	

OPPOSER'S REPORT ON THE STATUS OF PENDING CIVIL ACTION

In connection with the above-styled opposition and in response to a May 6, 2003 communication from Janice D. Hyman, Paralegal, Opposer Go Medical Industries Pty, Ltd. ("Go Medical") hereby submits this report on the status of the pending civil action which occasioned the suspension of this opposition (the "Civil Action").

On September 12, 2002, Opposer filed in the Civil Action a Motion for Partial Summary Judgment of Trademark Infringement, requesting a judgment as a matter of law that Applicant Medical Marketing Group, Inc.'s ("MMG") adoption and use of the subject mark MMG/O'NEIL constitutes infringement of Opposer's trademark O'NEIL. On October 7, 2002, MMG responded with a Cross Motion for Partial Summary Judgment, requesting judgment as a matter of law that Opposer's O'NEIL Mark infringes MMG's MMG/O'NEIL mark. A hearing on both motions was held on April 23, 2003. At this time, the parties are awaiting a decision on their respective motions.

Should the district court grant either one of these motions, the only issue remaining for trial will be damages. At that point, Opposer will notified the Board of the court's decision. Should the court deny both motions, the issue of trademark

infringement will proceed to trial. Opposer will notify the Board of the result of the trial upon its conclusion, unless directed otherwise by the Board.

Respectfully submitted, this 14th day of May, 2003.



PATRICK FLINN
ROBIN L. MCGRATH
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
(404) 881-7000

Attorneys for Opposer
GO MEDICAL INDUSTRIES PTY, LTD.

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

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05-14-2003

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #22

CERTIFICATE OF SERVICE

This is to certify that the foregoing

OPPOSER'S REPORT ON THE STATUS OF PENDING CIVIL ACTION

was served upon Applicant, by causing true and correct copies thereof to be deposited in the United States Mail, postage prepaid, addressed to Applicant's counsel of record as follows:

George A. Smith, Jr., Esq.
HOWSON & HOWSON
One Spring House Corporate Center
P.O. Box 457
Spring House, Pennsylvania 19477

This 14th day of May, 2003.



Robin L. McGrath

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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EXPRESS MAIL CERTIFICATION ACCOMPANYING PAPER

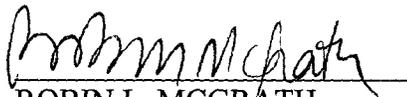
Assistant Commissioner for Trademarks
Trademark Trial and Appeal Board
Box TTAB No Fee
2900 Crystal Drive
Arlington, VA 22202-3513

"Express Mail" mail label number: EL928376785 US

Date of Deposit: May 14, 2023

I hereby certify that the attached Opposer's Report on the Status of Pending Civil Action Is being deposited with the United States Postal Service "Express Mail Post office to Addressee" service pursuant to 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Box TTAB No Fee, Arlington, VA 22202-3513.

Respectfully submitted,


ROBIN L. MCGRATH