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Typed or Printed Name of Person Mailing Paper or Fee: Shirley Fajardo  
Signature: Shirley Fajardo

TRADEMARK: MONSTERSNAPS

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

In the matter of Trademark Registration Application Serial No. 76/278,209 published in the Official Gazette (Trademarks) on January 1, 2002:

MONSTER CABLE PRODUCTS, INC., )  
 )  
 Opposer, )  
 )  
 v. )  
 )  
 JOEL BARRY SHAMITOFF, )  
 )  
 Applicant. )  
 )  
 )  
 )

Opposition No. 91152044

OPPOSER'S MOTION TO  
SUSPEND PROCEEDINGS



04-06-2004

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

Opposer Monster Cable Products, Inc., ("Monster Cable") hereby brings this Motion to Suspend Proceedings for good cause, pursuant to 37 C.F.R. Section 2.117(c).

**STATEMENT OF FACTS**

Since the February 23, 2004 decision of the Trademark Trial and Appeal Board ("TTAB"), denying Applicant's Motion for Summary Judgment in this matter, Monster Cable has been unable to contact counsel for Applicant Shamitoff ("Applicant") in order to resolve ongoing discovery issues and complete discovery. On March 4, 2004, Monster Cable wrote a

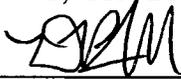
letter to Applicant's counsel of record attempting to renew negotiations. Applicant's attorney failed to respond to that letter.

Monster Cable recently learned that the law firm which had been representing Applicant in this matter previously dissolved. *See Exhibit "A."* No Notice of Substitution of Attorney was filed with the U.S. Patent and Trademark Office ("USPTO") or served upon Monster Cable identifying Applicant's current attorney of record. Monster Cable has also attempted to contact by telephone Applicant's prior attorney of record, Ms. Karen Frank, at her new law firm, but Monster Cable has received no response to that effort.

Monster Cable believes that the remaining discovery issues can be readily resolved by the parties through negotiation. However, Monster Cable cannot complete its discovery unless it is able to identify and contact the correct counsel for Applicant. Monster Cable is not presently filing a Motion to Compel discovery because it believes judicial economy will be best served by first identifying Applicant's counsel and attempting to resolve these issues through negotiation, rather than filing a Motion to Compel discovery against a party which may or may not be represented. Accordingly, Monster Cable respectfully requests that these proceedings be suspended for good cause, until Applicant's counsel may be identified and discovery completed.

Respectfully submitted,  
LARIVIERE, GRUBMAN & PAYNE, LLP

By: \_\_\_\_\_



David P. Morales, Esq.  
19 Upper Ragsdale Drive, Ste. 200  
P.O. Box 3140  
Monterey, CA 93942-3140  
(831) 649-8800

Attorneys for Opposer

Dated: April 6, 2004

**VERIFICATION**

I, the undersigned, say that I am one of the attorneys for Opposer MONSTER CABLE PRODUCTS, INC., in the above-entitled action. I have read the foregoing OPPOSER'S MOTION TO SUSPEND PROCEEDINGS and know the contents thereof, and that the same are true of my own knowledge, except as to matters which are therein stated upon by information or belief, and as to those matters, that I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 6, 2004, at Monterey, California.



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David P. Morales

**CERTIFICATE OF SERVICE**

I, Alice Wilkerson, Assistant to David P. Morales of attorneys for Opposer, hereby certify that a copy of the foregoing OPPOSER'S MOTION TO SUSPEND was served on Applicant's attorney, Karen S. Frank, Howard, Rice, Nemerovski, Canady, Falk, & Rabkin, Three Embarcadero Center, Seventh Floor, San Francisco, CA 94111-4024, postage prepaid by first-class mail on April 6, 2004.

A handwritten signature in cursive script, appearing to read "Alice Wilkerson", written over a horizontal line.

Alice Wilkerson

**EXHIBIT A**

Legal Strategies Group was proud to serve its clients for the past 10 years, but have now joined with other law firms. To learn more, you may click on a link to the lawyer's profile you are trying to contact or visit the press releases for additional information.

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- [Gia Cincone](#)
- [Gregory Farnham](#)
- [Karen Frank](#)
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- [Leigh Kirmsse](#)
- [Louise Ma](#)
- [Gail Nevius](#)
- [Maureen Sheehy](#)
- [Elizabeth Thompson](#)

➤ Press Release

- [East Bay Litigation Boutique, Legal Strategies Group, Joins Townsend and Townsend and Cre LLP](#)
- [Karen S. Frank Joins Howard Rice's Intellectual Property Group as a Director](#)
- [Preston Gates & Ellis Welcomes New Partner Ralph Alldredge](#)

Apr 6, 2004

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## PRESS

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### KAREN S. FRANK JOINS HOWARD RICE'S INTELLECTUAL PROPERTY GROUP AS A DIRECTOR

#### For Immediate Release:

For more information, contact:

Stuart Lipton, Managing Director 415.434.1600 slipton@howardrice.com	Martha Casey, Marketing Manager 415.765.4670 mcasey@howardrice.com
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**San Francisco, CA—February 17, 2004**—Karen S. Frank has joined Howard Rice Nemerovski Canady Falk & Rabkin, P.C. as a director. Frank, formerly a shareholder of Legal Strategies Group, focuses on intellectual property. She has extensive experience in copyright, trademark, right of publicity, Internet, multimedia and publishing law. Her clients have included Broadcast Music, Inc., Levi Strauss & Co., Sega of America, Williams-Sonoma, Jordan Vineyards & Winery, Littler Mendelson, Mulholland Brothers, and others.

Before joining Legal Strategies Group in 1996, Frank was senior counsel in Pillsbury Madison & Sutro's (now Pillsbury Winthrop) trademark and copyright prosecution and counseling group in San Francisco. Karen is a member of the faculty of the Practising Law Institute and speaks regularly on intellectual property issues, a trustee of the Copyright Society of the USA and former chair of the Copyright Society of Northern California, a member of the International Intellectual Property Association and a member of the American Law Institute.

"I am delighted to be joining a firm with such a strong and respected IP practice. Howard Rice is a wonderful fit for me both personally and professionally," said Frank.

Carole Barrett, a Howard Rice director and head of the Intellectual Property Counseling and Transactions group, added "Karen's knowledge and experience is a valuable addition to our firm and will enhance our top-notch IP practice."

Howard Rice's intellectual property practice currently includes clients such as The Saul Zantz Company, Tolkien Enterprises, The U.S. Olympic Committee, Lucasfilm, LucasArts, Wham-O, Cybertrader, Pearson Education, PalmSource, Hewlett-Packard, PlanetOut, Beverages & More, Vitasoy, and Mitsubishi Motors of North America.

Howard, Rice, Nemerovski, Canady, Falk & Rabkin is a San Francisco law firm with approximately 135 attorneys, widely respected for its diverse corporate and transactional practice and its litigation prowess.

Apr 6, 2004

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## ATTORNEY BACKGROUND

### Introduction

#### ■ Attorneys A-G

#### Attorneys H-Q

#### Attorneys R-Z



### Karen S. Frank

[kfrank@howardrice.com](mailto:kfrank@howardrice.com)  
415.434.1600



[vCard](#)

Karen Frank is a director in the firm's Business Department and a member of the Intellectual Property Counseling and Transactions Group. She has extensive experience in copyright, trademark, right of publicity, Internet, multimedia and publishing law.

Ms. Frank's clients have included Broadcast Music, Inc., E\*Trade Securities, Levi Strauss & Co., Sega of America, Jordan Vineyards & Winery, Littler Mendelson, and Mulholland Brothers, Saint Mary's College of California, De La Salle High School, Apress, Physician Weblink, Cometa Network and others.

Prior to joining Howard Rice, Ms. Frank was a shareholder at Legal Strategies Group where her practice focused on intellectual property counseling, licensing, and prosecution. She previously was senior counsel in Pillsbury Winthrop trademark and copyright prosecution and counseling group in San Francisco.

### Education and Honors

J.D., Hastings College of the Law (Executive Articles Editor, COMM/ENT Journal of Communications and Entertainment Law), 1987; B.A., Connecticut College (with honors), 1973.

### Memberships

Copyright Society of the USA (Trustee, Present, 1994-1997), Copyright Society of Northern California (Chairman, 2000-2002), San Francisco Intellectual Property Law Association, International Trademark Association, Emeryville Chamber of Commerce Board of Directors (Vice Chairman).

### Admitted

California

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Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514**

**TRANSMITTAL LETTER**

Dear Madam:

In connection with the above-referenced trademark application, transmitted herewith are the following:

1. Opposer's Motion to Suspend (8 pages); and
2. Postcard in acknowledgment of all transmitted materials.

Please date-stamp the enclosed post card and return same to the undersigned in acknowledgment of receipt of all transmitted materials.

Respectfully submitted,

LARIVIERE, GRUBMAN & PAYNE, LLP



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David P. Morales  
Attorneys for Opposer

DPM/aw  
Date: April 6, 2004  
LARIVIERE, GRUBMAN & PAYNE, LLP  
P.O. Box 3140  
19 Upper Ragsdale Drive, Suite 200  
Monterey, CA 93942-3140  
(831) 649-8800