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

Proceeding	91182523
Party	Plaintiff John R. Toscano, Inc.
Correspondence Address	Mark E. Stein, Esq. Lott & Friedland, P.A. P.O. Drawer 141098 Coral Gables, FL 33114-1098 UNITED STATES cgoe@lfiplaw.com, mestein@lfiplaw.com, chammond@lfiplaw.com, krivera@lfiplaw.com, kruiz@lfiplaw.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Mark E. Stein
Filer's e-mail	mestein@lfiplaw.com, rtie@lfiplaw.com, krivera@lfiplaw.com
Signature	/s/ Mark E. Stein
Date	04/11/2008
Attachments	MOT - Suspension in View of Civil Proceeding - 041008 RT - FINAL.pdf ( 3 pages )(114641 bytes )

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

**JOHN R. TOSCANO,**

Opposer,

v.

Opposition No. 91182523

Application Serial No. 77/002,453

Mark: **ENVIRO-STEEL**

**ATTAWAY SERVICES, INC.,**

Applicant.

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**UNOPPOSED MOTION TO SUSPEND OPPOSITION IN VIEW OF A  
CIVIL PROCEEDING**

Opposer, John R. Toscano (“Opposer”), by and through undersigned counsel and pursuant to 37 C.F.R. §2.117 and Rules 510 and 511 of the Trademark Trial and Appeal Board Manual of Procedure, hereby files its Unopposed Motion to Suspend Opposition In View of a Civil Proceeding, and in support, states as follows:

1. The Board may suspend any pending proceeding in which the parties to that proceeding are also parties in a civil action which may have bearing on the Board proceeding. 37 C.F.R. §2.117.

2. Opposer and Applicant, Attaway Services, Inc., are currently parties in *Troy Brown and Attaway Services, Inc. v. John Toscano, Enviro-Steel Corporation, and David Meaux* pending in the United States District Court for the Southern District of Florida, in Case No. 06-61840 CIV-SELTZER (the “Federal Court Action”).

3. The Federal Court Action involves several claims and issues. One of the primary claims is the ownership of and right to use and register the **ENVIRO-STEEL** mark.

4. The resolution of the claims regarding the ownership of and right to use the **ENVIRO-STEEL** mark in the Federal Court Action will resolve the claims raised in this Opposition.

5. For this reason, the undersigned moves to suspend this Opposition pursuant to 37 C.F.R. §2.117 and Rules 510 and 511 of the Trademark Trial and Appeal Board Manual of Procedure.

6. The undersigned is authorized to represent that Applicant consents to the relief sought in this Motion.

WHEREFORE, Accordingly, Opposer moves this Board to suspend this Opposition pending the resolution of the federal litigation.

Date: April 11, 2008

Respectfully submitted,

**LOTT & FRIEDLAND, P.A.**

/s/ Mark E. Stein  
Mark E. Stein  
E-mail: [mestein@lfiplaw.com](mailto:mestein@lfiplaw.com)  
Rebecca A. Tie  
E-mail: [rtie@lfiplaw.com](mailto:rtie@lfiplaw.com)  
355 Alhambra Circle  
Suite 1100 (zip code: 33134)  
P.O. Drawer 141098  
Coral Gables, FL 33114-1098  
Tel: (305) 448-7089

*Attorneys for Opposer*  
*John R. Toscano*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing UNOPPOSED MOTION TO SUSPEND OPPOSITION IN VIEW OF A CIVIL PROCEEDING was served upon the Applicant by delivering a true and correct copy of same to counsel for Applicant via U.S. first-class mail as follows:

Stephen M. Greenberg  
Carey, Rodriguez, Greenberg & Paul, LLP  
950 Peninsula Corporate Circle, Suite 3020  
Boca Raton, Florida 33487

*Served via U.S. Mail on April 11, 2008*

/s/ Mark E. Stein  
Mark E. Stein