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

Proceeding	91187309
Party	Defendant Mud LLC
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Submission	Motion to Suspend for Civil Action
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Date	06/17/2010
Attachments	MUD.pdf (2 pages)(9729 bytes)

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

In re: U.S. Trademark Applications Ser. Nos. 77447380
77467186

UNDERGROUND BEVERAGE BRANDS LLC, : Opposition No: 91187309
: :
Opposer, : :
: :
v. : :
: :
MUD LLC, : :
: :
Applicant. : :

APPLICANT’S MOTION TO SUSPEND PROCEEDINGS

Pursuant to 37 C.F.R. §2.117(a) and TBMP §§510.02, *et seq.*, Applicant respectfully requests that the Trademark Trial and Appeal Board (the “Board”) exercise its discretion and further suspend the instant opposition proceeding. The Board previously suspended the instant proceeding pending disposition of a civil action in the United District Court for the Southern District of New York, namely, Civil Action No. 08 CIV 7208 (“Civil Action”), in which a final determination still has yet to be made. As indicated in Applicant’s Motion to Suspend dated December 15, 2008, the parties and the issues in the Civil Action are common to those involved in the instant proceeding.

This request is made in good faith and not for the purpose of delay. The instant proceeding was resumed on May 20, 2010 as the parties inadvertently failed to respond to the Board’s February 22, 2010 request for status of the Civil Action. Applicant also learned recently that Opposer’s counsel of record filed a Motion to Withdraw As Attorney, which was filed on June 3, 2010. Applicant has not been able to contact the Opposer yet. Accordingly, as the Civil

Action is still pending and a final determination has not been made, Applicant respectfully request that the Board grant its Motion to Suspend.,

Dated: June 17, 2010

Respectfully Submitted,

By: /MM/
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*Attorneys for Applicant
MUD LLC*

CERTIFICATE OF SERVICE

I hereby certify on this 17th day of June 2010, that a true copy of the foregoing APPLICANT'S MOTION TO SUSPEND PROCEEDINGS was served upon the following counsel of record by depositing same with the United States Postal Service via first-class mail, postage pre-paid:

Sean Pierce
Underground Beverages Brands, LLC
9550 South Eastern Avenue
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 /OAF/
Orrin A. Falby