

ESTTA Tracking number: **ESTTA347105**

Filing date: **05/12/2010**

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

Proceeding	91190654
Party	Defendant Hidden Creations
Correspondence Address	SMITH, GAIL E. HIDDEN CREATIONS 1000 LINCOLN RD STE H # 123 YUBA CITY, CA 95991-6598 UNITED STATES hiddencreations@comcast.net
Submission	Other Motions/Papers
Filer's Name	Gail E. Smith
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Date	05/12/2010
Attachments	USPTO Suspension Agree.pdf (3 pages)(457373 bytes)

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

In the matter of Application Serial No. 77/520,947
Published in the *Official Gazette* on December 16, 2008
Mark: SHAKE-N-GROW

OMS Investments, Inc.)	
)	
Opposer,)	Opposition No. 91190654
)	
v.)	
)	
Hidden Creations,)	
)	
)	
Applicant.)	
)	

**RESPONSE TO OPPOSER’S MOTION TO SUSPEND OPPOSITION PROCEEDING
AND APPLICANT’S REQUEST TO REOPEN DISCOVERY**

Opposer OMS Investments, Inc. (“Opposer”) moves to suspend this proceeding pursuant to Trademark Rule 2.117(a) until final determination of a related civil action styled *OMS Investments, Inc. and Opposer OMS Investments, Inc. (“Opposer”) The Scotts Company LLC v. Gail Smith*, Case No. 2:10-cv-01037 currently pending in the United States District Court for the Eastern District of California (the “California Action”).

The California Action involves issues in common with those in this opposition Proceeding.

Applicant will agree to suspend the proceeding pending the final determination as requested upon stipulation from Opposer that all Discovery be reopened upon said determination.

Applicant further requests that the Patent and Trademark Trial and Appeal Board rule Discovery be reopened upon final determination in the California Action.

Date: May 12, 2010

By: 

Gail E. Smith
1000 Lincoln Rd, Suite #123
Yuba City, CA 95991
530-693-0386

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Compel has been properly served on the OPPOSER via email addressed to ssking@manatt.com & patradmarks@manatt.com on this 12th day of May, 2010.



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