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

Proceeding	91192739
Party	Defendant Blue Athletic Inc.
Correspondence Address	TRACY A. UHRIN WIGGIN & NOURIE, P.A. 670 N. COMMERCIAL ST., SUITE 305 MANCHESTER, NH 03105-0808 UNITED STATES tuhrin@wiggin-nourie.com
Submission	Motion to Suspend for Civil Action
Filer's Name	Tracy A. Uhrin
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Signature	/s/ Tracy A. Uhrin/
Date	04/26/2010
Attachments	MOTION TO SUSPEND 042610 (01119409).pdf (2 pages)(10227 bytes)

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

_____)	
NORDSTROM, INC. and NIHC, INC.,)	
)	Opposition No. 91192739
Opposers,)	
)	Serial No. 77/769311
v.)	
)	
BLUE ATHLETIC INC.,)	
)	
Applicant)	
_____)	

MOTION TO SUSPEND

Blue Athletic Inc., Applicant, through its attorneys, Wiggin & Nourie, P.A., respectfully submits the following Motion to Suspend this opposition pending the outcome of a civil action between the parties in the United States District Court for the District of New Hampshire, and in support thereof states as follows:

1. The parties to this opposition are currently parties to a certain civil action pending in the United States District Court for the District of New Hampshire, entitled *Blue Athletic Inc. v. Nordstrom, Inc and NIHC, Inc.*, Docket No. 10-cv-00036 (“Civil Action”).
2. The pending Civil Action concerns issues in common with those issues in the present opposition proceeding before the Trademark Trial and Appeal Board.
3. The final determination of the Civil Action will have bearing on the issues before the Trademark Trial and Appeal Board, namely whether there is a likelihood of confusion between Opposers’ “Nordstrom Rack” and alleged “Rack” marks and Applicant’s “denimrack” mark.

4. Counsel for Nordstrom, Inc. and NIHC, Inc. have been contacted concerning this Motion to Suspend and object thereto on the basis they anticipate filing motions to dismiss, but have not done so to date.

WHEREFORE, Applicant respectfully requests the PTO suspend this opposition pending resolution of the Civil Action.

Respectfully submitted,

Dated: April 26, 2010

By: /s/ Tracy A. Uhrin /
Tracy A. Uhrin, Esquire
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Attorney for Applicant Blue Athletic, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the above and foregoing Motion to Suspend on:

William O. Ferron, Jr.
SEED IP Law Group, PLLC
701 Fifth Avenue, Suite 5400
Seattle, Washington 98104-7092

by U.S. Mail on this the 26th day of April, 2010.

/s/ Tracy A. Uhrin /
Tracy A. Uhrin, Esquire

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this Motion is being electronically transmitted to the United States Patent & Trademark Office Trademark Trial and Appeal Board through use of the ESTTA electronic filing system on this the 26th day of April, 2010.

/s/ Tracy A. Uhrin /
Tracy A. Uhrin, Esquire