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

Proceeding	91193817
Party	Plaintiff MichaelOmmaha
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Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Christine L. Kopitzke
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Date	04/26/2010
Attachments	MARY JANE'S SODA -- Motion to Suspend.pdf (3 pages)(26770 bytes)

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

In the Matter of Application Serial No. 77/642,501
Mark: MARY JANE'S SODA
Application Filed: January 2, 2009
Published for Opposition: October 20, 2009

MICHAEL OMMAHA,

Opposer,

v.

MATTHEW D. MOODY and
MARY JANE'S SODA INC.

Applicants/Respondents

Opposition No. 91,193,817

**Consented Motion to Suspend Opposition Proceeding and
to Extend Discovery and Trial Deadlines in the Event Proceeding is Resumed**

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Michael Ommaha ("Opposer"), by his attorney, hereby requests that this proceeding be suspended, pursuant to 37 CFR § 2.117(c), through August 24, 2010 for purposes of settlement negotiations. Opposer further moves that, if this proceeding is resumed, the Deadline for Discovery Conference be set one month from the date of resumption, and all other discovery and trial deadlines be extended according to a standard TTAB opposition schedule from the new Deadline for Discovery Conference. The parties request that this proceeding be suspended through August 24, 2010, if

necessary, in order to coordinate the discovery and trial schedule in this opposition with a related proceeding, Opposition No. 91,192,756.

Please note that Application Serial No. 77/642,501, the subject of this Opposition, was assigned on March 26, 2010 by the original applicant to Mary Jane's Soda, Inc. (recorded March 26, 2010 at Reel/Frame 4174/0884). Opposer has therefore added Mary Jane's Soda, Inc. as a respondent to this pleading. Because Opposer claims in this proceeding that Application Serial No. 77/642,501 was void as filed, Opposer also continues to list Matthew D. Moody, the original applicant, as a respondent.

This Consented Motion is made in good faith and not for purposes of delay. The parties have agreed to discuss opportunities for settlement of this matter, which would obviate the need for formal proceedings before the Trademark Trial and Appeal Board. Favorable consideration by the Board is therefore requested.

Jennifer Daniel Collins, counsel for Applicants/Respondents, consented to this motion on April 26, 2010, in an electronic mail message to the undersigned counsel for Opposer. Counsel for Applicants/Respondents has also consented to service of this motion via electronic mail.

Date: April 26, 2010

Respectfully submitted,

/Christine L. Kopitzke/
Christine L. Kopitzke, Esq.
Attorney for Opposer Michael Ommaha

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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MICHAEL OMMAHA,

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MATTHEW D. MOODY and
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Applicants/Respondents

Opposition No. 91,193,817

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Consented Motion to Suspend Opposition Proceeding and to Extend Discovery and Trial Deadlines in the Event Proceeding is Resumed** has been served on counsel for Matthew D. Moody and Mary Jane's Soda Inc. by providing a copy via electronic mail, as agreed by the parties, on April 26, 2010 to:

Jennifer Daniel Collins, Esq.
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/Christine L. Kopitzke/
Christine L. Kopitzke