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

Proceeding	91196237
Party	Plaintiff Mario Tricoci Hair Salons & Day Spas, Inc.
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Date	08/27/2010
Attachments	Tricoci Suspension FINAL.pdf (3 pages)(10879 bytes)

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

MARIO TRICOCI HAIR SALONS AND)	
DAY SPAS, INC.,)	
)	Opposition No.: 91196237
Opposer,)	
)	
v.)	Serial No. 77/933,627
)	Filed: February 11, 2010
FRANCO TRICOCI ENTERPRISES, LLC,)	
)	MOTION TO SUSPEND
Applicant.)	

Opposer, Mario Tricoci Hair Salons & Spas, Inc. (“Mario Tricoci”), hereby moves pursuant to Trademark Rule 2.117(a), 37 C.F.R. § 2.117(a) to suspend the above-captioned opposition proceeding pending the disposition of Civil Action No. 1:10-CV-02268, which is currently pending between these parties in the United States District Court for the Northern District of Illinois.

The civil action is based on federal trademark infringement in violation of the Federal Trademark Act, 15 U.S.C. § 1114(1), federal unfair competition in violation of the Federal Trademark Act, 15 U.S.C. § 1125(a) and various state laws. The civil action arises out of, among other things, Applicant’s, Franco Tricoci Enterprises, LLC, (“Franco Tricoci”), adoption of the FT (stylized) mark, which is the subject of Application No. 77/933,627 and this opposition proceeding. The suit specifically references the FT mark and seeks various remedies including, the withdrawal of Application No. 77/933,627 and an injunction enjoining and restraining Franco Tricoci from using the FT mark or engaging in any other acts of unfair competition with Mario Tricoci. The Complaint is attached hereto as Exhibit A.

Because the civil action encompasses the issues involved in this proceeding, the district court's determination of the civil action will have a direct bearing on this opposition proceeding. For these reasons and pursuant to Trademark Rule 2.117(a), 37 C.F.R. § 2.117(a), Mario Tricoci therefore respectfully requests suspension of this proceeding pending disposition of the federal court action.

Dated: August 27, 2010

Respectfully submitted,

By: /s/ Thomas G. Pasternak

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*Attorneys for Mario Tricoci Hair Salons and
Day Spas, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2010, I served a true and correct copy of the foregoing
MOTION TO SUSPEND on counsel for Applicant by U.S. Mail at the following address:

Mitchell J. Edlund
Meckler Bulger Tilson Marick & Pearson LLP
123 North Wacker Drive
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/s/ Thomas G. Pasternak
One of the Attorneys for Opposer
Mario Tricoci Hair Salons & Day Spas, Inc.