

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

Hero Nutritional Products, LLC,

Opposer,

v.

Marvel Characters, Inc.,

Applicant

Opposition No.: 91200842

Mark: MARVEL HEROES

Serial No.: 85225656

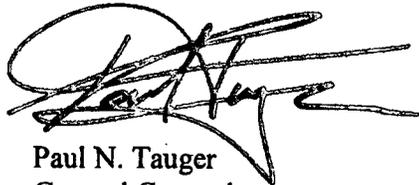
**OPPOSER'S REQUEST TO LIFT SUSPENSION PURSUANT TO
FED. R. CIV. P. 26**

**Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

As efforts to resolve this matter have failed, Hero Nutritional Products, LLC respectfully requests that the Trademark Trial and Appeal Board lift the suspension of this matter and provide new procedural schedule dates.

Dated: October 26, 2011

Respectfully Submitted,



**Paul N. Tauger
General Counsel
Hero Nutritionals LLC**



10-31-2011

1 **PROOF OF SERVICE BY U.S. MAIL**

2 I, Adriana Ayala, declare under penalty of perjury under the laws of the State of California
3 that the following is true and correct:

4 I am employed in the City of San Clemente, and County of Orange, State of California,
5 under the supervision of a member of the bar of this court, at whose direction the service was
6 made. I am a citizen of the United States, over the age of eighteen (18) years and not a party to or
7 interested in the within-entitled action. I am an employee of Hero Nutritional, LLP, and my
8 business address is 991 Calle Negocio, San Clemente, California, 92673.

9 I caused to be served by First Class United States Postal Office mailed the following
10 document(s):

11 **1. Opposer's Request to Lift Suspension Pursuant to Fed. R. Civ. P. 26**

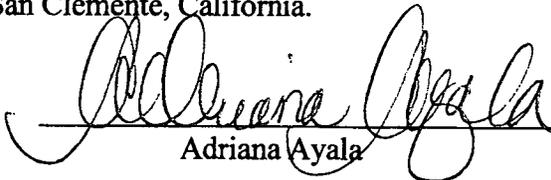
12 I caused the above document(s) to be served on the following person(s):

13 **Mary A. Donovan**
14 **Donovan & Yee LLP**
15 **161 Avenue of the Americas, Suite 1201**
16 **New York, NY 10013**

17 by the following means:

- 18 I enclosed a true and correct copy of said document(s) in an envelope and placed it for
19 collection and mailing as First Class with the United States Postal Office on October 26,
20 2011, following the ordinary business practice.
- 21 I enclosed a true and correct copy of said document(s) in an envelope, and placed it for
22 collection and mailing via Federal Express on _____, for guaranteed delivery on
23 _____, following the ordinary business practice.
- 24 I consigned a true and correct copy of said document(s) for facsimile on _____.
- 25 I enclosed a true and correct copy of said document(s) in an envelope, and consigned it for
26 hand delivery by messenger before 5:00 p.m. on _____.

27 I am readily familiar with my firm's practice for collection and processing of
28 correspondence for delivery in the manner indicated above, to wit, that correspondence will be
deposited for collection in the above-described manner this same day in the ordinary course of
business. Executed on October 26, 2011, at San Clemente, California.

29 
Adriana Ayala