



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

SWEETGREEN, INC.,

Opposer

v.

SWEET LEAF, INC.,

Applicant

Opposition No. 91200958
Serial Number 85/254,636

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

**APPLICANT'S RESPONSE TO OPPOSER'S MOTION
TO SUSPEND PROCEEDING PENDING DISPOSITION OF
FEDERAL LITIGATION AND MEMORANDUM IN SUPPORT**

Now comes the named Applicant in the above identified proceedings, and responds to Opposer's Motion to Suspend Proceeding Pending Disposition of Federal Litigation and Memorandum in Support. For the reasons set out below, the present Opposition filed August 2, 2011 should be continued.

ARGUMENT

Opposer requests that this Opposition should be suspended pending the outcome of a federal district court action in the United States District Court for the District of Columbia. The present motion is premature. First it should be noted that Opposer has failed to mention to the Trademark



Trial and Appeal Board that no Answer has been filed in the above noted proceeding and that a Motion to Dismiss or in the Alternative a Motion to Transfer is currently pending before the Court and the same has not yet been ruled upon. Furthermore even if the case becomes joined Opposer attempts to prematurely preclude the District Court from requesting or agreeing to continuation of the present opposition proceeding thus availing itself of the special expertise provided by the present administrative authority by having a decision which could be beneficial in the disposition of other counts which are present in the presently filed Complaint.

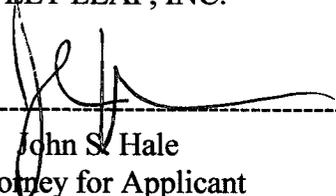
Contrary to the Opposer's comments Opposer has not asserted the "exact" same claim as already been alleged by Opposer in the potential federal litigation. For the above noted reasons set forth herein, Applicant respectfully submits that the present Opposition Proceeding should not be suspended and the Opposer's Motion to Suspend Proceeding Pending Disposition of Federal Litigation should be denied

CONCLUSION

For the reasons set forth herein, Applicant respectfully requests the denial of Opposer's Motion to Suspend.

Respectfully submitted,

SWEET LEAF, INC.



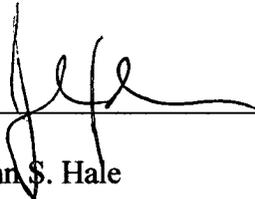
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused the foregoing APPLICANT'S RESPONSE TO OPPOSER'S MOTION TO SUSPEND PROCEEDING PENDING DISPOSITION OF FEDERAL LITIGATION AND MEMORANDUM IN SUPPORT to be served upon the attorney for Opposer in this proceeding in an envelope addressed to Ann K. Ford, John M. Nading, David M. Kramer, DLA PIPER LLP (US), 500 8th Street, N.W., Washington, D.C. 20004, by first class mail, postage prepaid this 23 day of August, 2011.



John S. Hale