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OF COUNSEL

June 29, 2004

Ms. Amy Matelski  
Paralegal Specialist  
United States Dep't of Commerce  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington Virginia 22202-3513

**TTAB**

07-02-04

U.S. Patent & TMOtc/TM Mail Ropt Dt. #78

**Re: Marion Sakow v. 2427-2429 Seafood Rest. Corp.,  
Cancellation No. 92040184; Registration No. 1682271**

Dear Ms. Matelski:

This Firm represents the respondent, 2427-2429 Seafood Restaurant Corp., in the above-referenced proceeding. I send this letter with the consent of the petitioner's attorneys.

Further to your notice dated June 24, 2004 requesting information on the status of the civil actions involving the trademark at issue herein, please note the following:

- 1) **Sakow v. 633 Seafood Rest., Inc., et al.**, Sup. Ct., N.Y. Co. Index No. 606626/97 - this shareholder derivative suit brought by petitioner (the "Shareholder Action") as a shareholder of 633 Seafood Restaurant, Inc. ("633") is in the final stages of discovery and is expected to go to trial later this year or next year;
- 2) **Matter of Sakow**, Sup. Ct., N.Y. Co. Index No. 60627/97 - this petition for dissolution of 633 (the "First Petition") brought by petitioner was dismissed by the Court and the dismissal affirmed by both the lower court on rehearing and the appellate court;
- 3) **Matter of Sakow**, Sup. Ct., N.Y. Co. Index No. 119225/02 - this second petition for dissolution brought by petitioner (the "Second Petition") replaced the First Petition and seeks the dissolution of 633. The parties to

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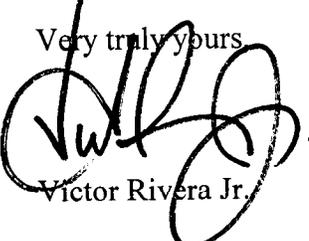
Ms. Amy Matelski  
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this proceeding have conceded the need for dissolution and will proceed to a valuation hearing in the future. Discovery in this proceeding has been held up as the shareholder derivative suit is litigated to resolution.

The parties to the instant proceeding continue to believe that the discovery proceedings and the resolution by the Court of issues in both the Shareholder Action and the Second Petition (collectively, the State Court Actions"), will resolve some, if not all, of the major issues raised by petitioner herein.

Accordingly, the parties continue to request that the instant proceeding remain in suspense until the resolution of the State Court Actions, including any appeals thereof.

Very truly yours



Victor Rivera Jr.

cc: Michael A. Cornman, Esq.  
Attorney for Petitioner

Mr. Barry Corwin  
Mr. Howard Levine  
Alan M. Lebensfeld, Esq.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Ms. Amy Matelski, Paralegal Specialist, United States Department of Commerce, Patent and Trademark Office, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington Virginia 22202-3513 on the date indicated below.

Dated: June 29, 2004



Musuraca Bonaparte