

10/10/03 09:00:11 AM

Docket No. 1257.10

TRADEMARKS

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

**Metabolic Nutrition, Inc.**  
Petitioner

v.

**BioSan Laboratories, Inc.**  
Registrant

In the matter of Registration No. 2,662,341

For the mark **BIO-METABOLIC NUTRITION**

Date registered **December, 17 2002**

Cancellation No. **92-041643**

**UNITED STATES DEPARTMENT OF COMMERCE**  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513



10-06-2003

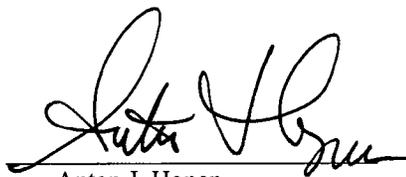
U.S. Patent & TMO/TM Mail Rcpt Dt. #22

**STIPULATED MOTION TO SUSPEND OPPOSITION PROCEEDING**  
**TBMP §605.02**

Opposer and Applicant are negotiating for settlement and wish to defer further litigation of the case pending conclusion of their negotiations. Attorney for Registrant, Maria E. Recalde, was consulted by the undersigned and agreed to this stay of proceedings. It is respectfully requested the Board suspend this opposition for a period of two (2) weeks.

Respectfully submitted,

SMITH & HOPEN, P.A.

By: 

Anton J. Hopen  
15950 Bay Vista Drive  
Suite 220  
Clearwater, Florida 33760  
(727) 507-8558  
Attorneys for Applicant

Dated: September 30, 2003

10/10/03 09:00:11 AM

40/10/2003TTAB

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing STIPULATED MOTION TO STAY PROCEEDINGS, duly signed by attorneys for Petitioner, has been served upon attorney for Registrant this 30<sup>th</sup> day of September 2003, by mailing a copy by U.S. First Class Mail to the following:

Maria E. Recalde  
Sheehan, Phinney, Bass + Green  
260 Franklin Street, Suite 1901  
Boston, MA 02110-3112  
(617) 897-5620

A courtesy copy of STIPULATED MOTION TO STAY PROCEEDINGS was also sent this this 30<sup>th</sup> day of September 2003 by email to [mrecalde@sheehan.com](mailto:mrecalde@sheehan.com).

Date: September 30, 2003

By: Shelley Butz  
Shelley Butz

40/10/2003TTAB

TTAB

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**10-06-2003**

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

**TRANSMITTAL**

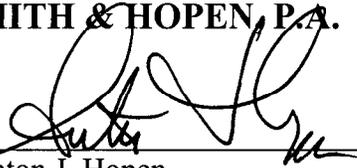
Sir:

Enclosed please find:

1. Certificate of Service dated September 30, 2003;
2. Stipulated Motion to Suspend Opposition Proceeding; and
3. Self-addressed postage prepaid post card to serve as a receipt for items 1 and 2.

Very respectfully,

**SMITH & HOPEN, P.A.**

  
 \_\_\_\_\_  
 Anton J. Hopen  
 15950 Bay Vista Drive, Ste. 220  
 Clearwater, FL 33760  
 (727) 507-8558  
 Attorneys for Applicant

**CERTIFICATE OF MAILING**

37 C.F.R. §1.8

I certify that this correspondence is being mailed by first class U.S. mail and is addressed to: United States Department of Commerce, Patent and Trademark Office, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513 on September 30, 2003.

**September 30, 2003**

Date



Shelley Butz (signature above)

10/10/03 10:00 AM

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Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

10/10/2002TAP