

ESTTA Tracking number: **ESTTA211244**

Filing date: **05/14/2008**

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

Proceeding	92049105
Party	Plaintiff Eat Right Foods Limited
Correspondence Address	Rebecca Douglas-Clifford Eat Right Foods Limited 7 Kotua PlacePO Box 1525 Nelson, 7040 NEW ZEALAND eatright@xtra.co.nz
Submission	Other Motions/Papers
Filer's Name	Rebecca Douglas-Clifford
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Signature	/Rebecca Douglas-Clifford/
Date	05/14/2008
Attachments	USPTO Response to Motion to Suspend 92049105.pdf ( 2 pages )(32350 bytes )

Safeway Inc (Respondent)  
Jordan S. Weinstein  
Oblon, Spivak, McClelland, Maier & Neustadt, PC  
1940 Duke Street, Alexandria, VA 22314 United States

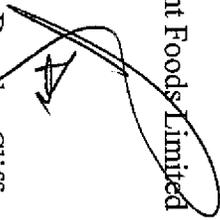
Honorable Commissioner for Trademarks  
The Trademark Trial and Appeal Board  
PO Box 1451  
Alexandria, VA 22313-1451, USA

**RESPONSE TO RESPONDENT'S MOTION TO SUSPEND**

Petitioner (Eat Right Foods Limited) objects to the Respondent's (Safeway Inc) Motion to Suspend proceedings in relation to the Petition to Cancel Registration Number 92049105.

The Petitioner objects on the basis that the Respondent's mark in the market place is currently causing confusion, or mistake, or to deceive and for these reasons that the case needs to be resolved exponentially.

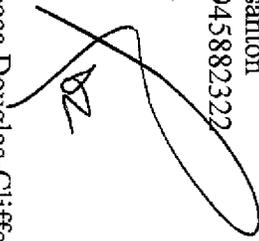
Respectfully submitted,  
Eat Right Foods Limited

By:   
Rebecca Douglas-Clifford  
Managing Director  
Eat Right Foods Limited

**CERTIFICATE OF SERVICE**

I hereby certify that a true additional copy of the foregoing Petition for Cancellation was served on the Respondent, as identified by the records of the U.S. Patent and Trademark Office, this 14<sup>th</sup> day of May, 2008, by sending same via Overnight Courier postage prepaid to:

Safeway Inc  
5918 Stoneridge Mall Road  
Pleasanton  
CA 945882322  
USA

  
Rebecca Douglas-Clifford