

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

MW Laboratories Inc.

Opposer/Plaintiff,

v.

Opposition No. 91154095  
Serial No. 78/102,448

Solar Cosmetic Labs, Inc.

Applicant/Defendant.

03-06-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #78

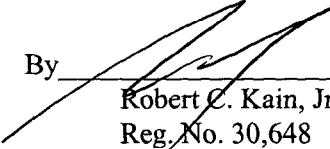
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
ATTN: TTAB

**MOTION TO STAY PROCEEDINGS FOR SIXTY (60) DAYS  
TO PERMIT PARTIES TO PURSUE SETTLEMENT NEGOTIATIONS**

Applicant/Defendant, Solar Cosmetic Labs, Inc., requests a sixty (60) day stay of the proceedings, up to and including May 8, 2003, to pursue settlement negotiations with Plaintiff/Opposer. Settlement negotiations have begun with the attached letter to Opposer's counsel. These negotiations are continuing based upon a telephone call on or about February 18. The parties need additional time to either (a) settle this matter or (b) proceed with the TTAB litigation. Opposer/Plaintiff will not be prejudiced if the Board grants this stay. This Motion is being submitted in triplicate as required by 37 CFR §2.102(d).

Respectfully submitted,

By

  
Robert C. Kain, Jr.  
Reg. No. 30,648  
Fleit, Kain, Gibbons, Gutman & Bongini, P.L.  
750 Southeast Third Avenue  
Suite 100  
Ft. Lauderdale, Florida 33316-1153  
Telephone: 954-768-9002  
Facsimile: 954-768-0158  
Attorneys for Applicant/Defendant

Date:

March 5, 2002

03 MAR 17 AM 9:30

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing was served upon counsel for Opposer, Val D. Hornstein, Hornstein Law Offices, 20 California Street, 7<sup>th</sup> Floor, San Francisco CA 94111, via first class mail, postage prepaid, this 5th day of March, 2003



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Robert C. Kain, Jr.

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**FLEIT, KAIN,  
GIBBONS, GUTMAN  
& BONGINI P.L.**  
ATTORNEYS AT LAW

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William R. Trueba, Jr. wtrueba@FocusOnIP.com

February 4, 2003

Mr. Val D. Hornstein  
Hornstein Law Offices  
20 California Street, 7<sup>th</sup> Floor  
San Francisco, CA 94111

Re: Trademark Opposition against: SKIN FIT  
U.S. Trademark Application Serial No. 78/102,448  
Opposer: MW Laboratories, Inc. of Savannah, Georgia  
Opposition No. 91/154,095  
Opposer's mark: SKIN FIT  
Our Ref: 6203-61

Dear Mr. Hornstein:

We represent Solar Cosmetic Labs, Inc. (Solar Cosmetic) with respect to its trademark matters. After conducting a quick search on the Internet, we located many companies using "skin fit". See enclosed search results. Please "circle" which entries for the term "SKIN FIT" refer to MW Labs' goods. It seems that our respective clients have a choice: (a) negotiate an acceptable range of goods to be used in connection with each company's mark; or (b) actively engage in this opposition and potentially establish that the term "SKIN FIT" is descriptive and no party owns rights to the mark.

We request that you contact your client in order to carefully identify the goods you seek to register. Likewise, we will contact our client in order to determine which goods are most important.

In the meantime, please circle entries from the Goggle search results which relate to your client's mark. Also, please send us concrete evidence establishing that MW Labs used its mark in interstate commerce on or before November, 1998. We also need evidence showing the mark on pharmaceuticals, cosmetics, skin care products and related accessories. These are at least four (4) classes of goods. Please note that it is highly unlikely that the Trademark Office will permit such a broad registration of goods. We have represented Solar Cosmetics for many years and the Trademark Office never approves broad categories such as "cosmetics" or "skin care products" or "related accessories."

Sincerely,

  
Robert C. Kain, Jr.  
for the Firm

RCK:lc  
Enclosure

cc: Jaime Dornbusch (w/enclosures)

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TTAB

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Solar Cosmetic Labs, Inc.

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TRANSMITTAL LETTER AND CERTIFICATE OF FEDERAL EXPRESS MAILING

BOX TTAB  
Commissioner for Trademarks  
2900 Crystal Drive, Suite 3B-30  
Arlington, VA 22202-3513

03-06-2003

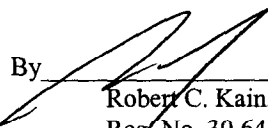
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #7E

Sir:

I hereby certify that the below listed documents are being deposited with Federal Express, Next Day Delivery, on March 5, 2003, and are addressed to BOX TTAB, Commissioner for Trademarks, 2900 Crystal Drive, Suite 3B-30, Arlington, VA 22202-3513

- Motion to Stay proceedings for Sixty (60 Days to Permit Parties to Pursue Settlement Negotiations w/certificate of service and attachment (3 pgs.) - *in triplicate*
- Return receipt postcard
- Please charge any underpayments or credit any overpayments to Deposit Account No. 03-1231. A duplicate copy of this communication is enclosed.

Respectfully submitted,

By   
 Robert C. Kain, Jr.  
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 Suite 100  
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