

ESTTA Tracking number: **ESTTA98274**

Filing date: **09/07/2006**

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

Proceeding	91156061
Party	Plaintiff Central MFG. CO Central MFG. CO ,
Correspondence Address	Leo Stoller Central Mfg. Co. 7115 W. North Avenue #272 Oak Park, IL 60302 UNITED STATES ldms4@hotmail.com
Submission	Other Motions/Papers
Filer's Name	Leo Stoller
Filer's e-mail	ldms4@hotmail.com
Signature	/Leo Stoller/
Date	09/07/2006
Attachments	GODADDY_MOT.pdf (2 pages)(10015 bytes) marcusorder.pdf (2 pages)(23584 bytes)

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

CENTRAL MFG. CO.,

Opposer,

Opposition No: 91156061

v.

GO DADDY SOFTWARE, INC.,

Applicant.

MOTION TO SUSPEND

NOW COMES the Opposer and requests that the Board suspend this proceeding on the same grounds that the Board suspended *Central Mfg. Co. v. Randy Lee Marcus*, Opposition No: 91165221. See attached order dated August 10, 2006.

WHEREFORE, Opposer respectfully prays that the Board suspend this proceeding on the same grounds that the Board suspended the attached proceeding.

Leo Stoller, President
Central Mfg. Co., Opposer
7115 W. North Avenue #272
Oak Park, Illinois 60302
(773) 589-0340 FAX: (773) 589-0915

Certificate of Mailing

I hereby certify that this motion is being filed online electronically with the Trademark Trial & Appeal Board on September 7, 2006

/Leo Stoller/

Certificate of Service

I hereby certify that this motion is being deposited with the U.S. Postal Service by First Class Mail in an envelope addressed to:

Donna H. Catalfio
Gallagher & Kennedy, PA
2575 East Camelback Road, Suite 1100
Phoenix, AZ 85016

Leo Stoller
Date: September 7, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Lykos

Mailed: August 10, 2006

Opposition No. 91165221

Central Mfg. Co.

v.

Marcus, Randy Lee

Angela Lykos, Interlocutory Attorney

On December 5, 2005, applicant filed a motion to dismiss the instant opposition proceeding on the grounds that opposer lacks the requisite standing to bring the present case. The motion is fully briefed.

The basis for applicant's motion to dismiss is a decision issued by a federal district court in *Central Mfg. Co. v. Pure Fishing, Inc.*, 2005 U.S. Dist. LEXIS 28280. In that case, the court determined that opposer is not a valid existing legal entity under Delaware corporate law. On February 3, 2006, the court, in light of the relationship between opposer Mr. Leo Stoller, stayed all proceedings in the federal district court case pending the resolution of Mr. Stoller's bankruptcy proceedings.

In view of the suspension of the court case, the Board defers consideration of applicant's motion to dismiss. Proceedings herein are suspended pending a lifting of the stay in the federal court case and the issuance of a final determination in that case.