

ESTTA Tracking number: **ESTTA22205**

Filing date: **12/28/2004**

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

<b>Proceeding.</b>	91163396
<b>Applicant</b>	Plaintiff Natural Organics Inc. ,
<b>Other Party</b>	Defendant KETO, L.L.C. KETO, L.L.C. 3535 ROUTE 66 NEPTUNE, NJ 07753

### **Motion for Suspension in View of Civil Proceeding With Consent**

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Natural Organics Inc. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Natural Organics Inc. has secured the express consent of all other parties to this proceeding for the suspension requested herein.

Natural Organics Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,  
/aimeeenassau/  
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12/28/2004

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

_____ )		
NATURAL ORGANICS INC., )		
	)	
Opposer, )		Serial No.: 76/546,907
	)	
v. )		Opposition No.: 91/163,396
	)	
KETO, L.L.C., )		
	)	
Applicant. )		
_____ )		

**JOINT MOTION TO SUSPEND OPPOSITION PROCEEDINGS**

Undersigned counsel for Opposer, Natural Organics Inc., with the consent of counsel for Applicant, Keto, L.L.C., hereby moves, with the consent of Keto, L.L.C., that the above proceedings be suspended pending the outcome of existing Federal Court litigation in the United States District Court for the Southern District of New York.

On July 11, 2003, Applicant Keto, L.L.C. (by change of name from Life Services Supplements, Inc.) commenced an action against Natural Organics Inc. before the United States District Court for the Southern District of New York, Civil Action No. 03-CV-6030. The Complaint in that action alleges that Keto owns several "KETO" trademarks and that Natural Organics' use of its federally registered trademark KETOSLIM constitutes trademark infringement. The issues before the Court in the pending litigation involve, *inter alia*, the same issues that exist in or will exist in this opposition, i.e., whether Keto is the owner of all right, title and interest in the KETO

trademark in the United States.

Natural Organics notes that a Motion to Suspend Cancellation Proceeding No. 92/042,332, which was brought by Keto L.L.C. against Natural Organics with respect to Natural Organics' Registration No. 2,473,602 involving the term KETO, was granted by the Trademark Trial and Appeal Board on January 30, 2004.


By stipulation of the parties, it is agreed that this opposition proceeding should likewise be suspended for the reasons set forth in the Board's January 30, 2004 decision. This suspension is being requested with the understanding that either party may request resumption of the proceedings and resetting of trial dates at any time. Counsel for Applicant, Clyde A. Shuman, Esq., joins in and consents to this motion and a certificate of service thereon is attached hereto.

Additionally Natural Organics confirms that the following proceedings have been suspended pending the outcome of Keto, LLC v. Natural Organics Inc., 03-CV-6030: consolidated proceedings Opposition No. 91/160,711 and Cancellation No. 92/042,332 and Opposition Nos. 91/162,189, 91/160,773, 91/160,965, 91/160,683, 91/163,185, 91/163,182 and 91/163,138. Further, Natural Organics recently commenced the following related opposition proceedings: 91/163,391, 91/163,383, 91/163,407, 91/163,385 and 91/163,398. In connection with each of the listed proceedings, Natural Organics has or will file a joint

motion to suspend the proceeding pending the outcome of the civil action.

Respectfully submitted,

Dated: December 28, 2004

By: \_\_\_\_\_


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Attorneys for Opposer,  
Natural Organics Inc.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and complete copy of the foregoing JOINT MOTION TO SUSPEND OPPOSITION PROCEEDINGS was mailed by first class mail, postage prepaid, on this 28<sup>th</sup> day of December, 2004 to counsel for Applicant as follows:

Clyde A. Shuman, Esq.  
Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C.  
One Riverfront Plaza  
Newark, New Jersey 07102.

  
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Aimee E. Nassau

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