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

Proceeding	91170379
Party	Defendant The Baby Einstein Company, LLC
Correspondence Address	Linda K. McLeod Finnegan Henderson Farabow Garrett, L.L.P. 901 New York Avenue, N.W. Washington, DC 20001-4413 UNITED STATES julia.matheson@finnegan.com, docketing@finnegan.com
Submission	Response to Board Order/Inquiry
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Date	08/07/2008
Attachments	91170379 Applicant's Response to Board Order.pdf (3 pages)(38661 bytes)

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

<p>EINSTEIN COSMETICS, LTD.,</p> <p>Opposer,</p> <p>v.</p> <p>THE BABY EINSTEIN COMPANY, LLC.,</p> <p>Applicant.</p>	<p>Opposition No. 91170379</p> <p>Mark: LITTLE EINSTEINS</p> <p>Application Serial No. 78/680,089</p>
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APPLICANT'S RESPONSE TO BOARD ORDER DATED AUGUST 6, 2008

On August 6, 2008, the Board issued an order allowing the parties thirty (30) days from the date of the order to inform the Board of the status of the District Court proceeding which occasioned the suspension of the consolidated oppositions.

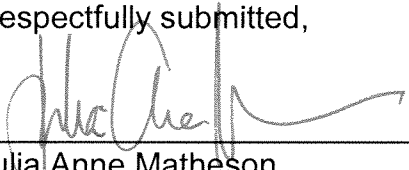
Applicant The Baby Einstein Company, LLC. ("Applicant") submits this response to inform the Board that the District Court action is still pending between the parties. *Einstein Cosmetics, Ltd. v. The Baby Einstein Company, LLC.*, in the United States District Court for the Central District of California, identified as Civil Action No. CV. 07 2171 MMM (SSx) is currently in the discovery period and a trial date is set for April 27, 2009.

Accordingly, Applicant respectfully requests that these proceedings remain suspended pending a final determination of the District Court action.

Respectfully submitted,

Dated: August 7, 2008

By: _____


Julia Anne Matheson
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Counsel for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT'S RESPONSE TO BOARD ORDER DATED AUGUST 5, 2008 was served on August 7, 2008 by first class mail, postage prepaid, on the following attorney for Opposer Einstein Cosmetics, Ltd.:

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