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

| | |
|------------------------|---|
| Proceeding | 91174100 |
| Party | Defendant Jared R. Wheat |
| Correspondence Address | JOSEPH P. SCHILLECI, JR. NATTER & FULMER, P.C. 3800 COLONNADE PKWY, STE 450 BIRMINGHAM, AL 35243-3369 UNITED STATES |
| Submission | Other Motions/Papers |
| Filer's Name | Joseph P. Schilleci, Jr. |
| Filer's e-mail | schilleci@natterfulmer.com |
| Signature | /s/ Joseph P. Schilleci, Jr. |
| Date | 08/05/2008 |
| Attachments | Response to July 8, 2008 Order.pdf (2 pages)(25202 bytes) |

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

| | | |
|------------------------------|---|----------------------------------|
| HI-TECH PHARMACAL CO., INC., |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No. 91174100 |
| |) | |
| JARED R. WHEAT, |) | Application No. 78/741474 |
| |) | |
| Applicant. |) | |

**APPLICANT’S RESPONSE TO ORDER REGARDING
STATUS OF CIVIL ACTION**

In response to the Order dated July 8, 2008, in the above-referenced proceeding, the undersigned counsel for the Applicant, Jared R. Wheat, agrees with the status report submitted on July 29, 2008 by counsel for the Opposer, Hi-Tech Pharmacal Co., Inc. The Civil Action styled *Hi-Tech Pharmacal Co., Inc. v. Hi-Tech Pharmaceuticals, Inc.*, 05-CV-2674 (ARR)(SMG), remains stayed in the United States District Court for the Eastern District of New York. Accordingly, Applicant requests that the above-referenced proceedings remain suspended for at least as long as the Civil Action remains stayed.

Respectfully submitted this 5th day of August, 2008.

/s/ Joseph P. Schilleci, Jr.
Joseph P. Schilleci, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following counsel of record via facsimile, electronic mail or by placing a copy of same in the United States mail, properly addressed and first class postage prepaid, on this the 5th day of August, 2008.

Michael F. Sarney, Esq.
Katten Muchin Rosenman, LLP
575 Madison Avenue
New York, New York 10022

/s/ Joseph P. Schilleci, Jr.
OF COUNSEL