

ESTTA Tracking number: **ESTTA289831**

Filing date: **06/15/2009**

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

Proceeding	91188673
Party	Defendant GUNA Inc.
Correspondence Address	Tristram R. Fall, III Fox Rothschild LLP 2000 Market Street, 10th Floor Philadelphia, PA 19103 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	Tristram R. Fall, III
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Date	06/15/2009
Attachments	Motion for Suspension - CITOMIX.pdf (3 pages)(78911 bytes)

VIA ELECTRONIC SYSTEM FOR
TRADEMARK TRIALS AND APPEALS ("ESTTA")
DATE OF FILING: June 15, 2009

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

In the matter of Application Serial No. 78/825,262
Filed on February 28, 2006 for "CITOMIX" [and Design]

_____	:	
CytoSport, Inc.,	:	
	:	
Opposer,	:	Opposition No. 91188673
v.	:	
	:	Serial No. 78/825,262
Guna, Inc.,	:	
	:	
Applicant.	:	
_____	:	

MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

The parties are actively engaged in negotiations with respect to the settlement of this matter. GUNA, INC., a New Mexico Corporation ("Applicant"), by and through its attorneys, hereby requests that the Trademark Trial and Appeal Board suspend this proceeding for 90 days in order to permit the parties to continue their settlement efforts.

Applicant has secured the express consent of counsel for CytoSport, Inc. ("Opposer") to the suspension requested herein.

This request is made in good faith and is not made for purposes of delay.

WHEREFORE, Applicant respectfully requests that the deadline for the filing of an Answer to the Notice of Opposition in this matter be extended to Monday, September 14, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tristram R. Fall, III', written over a horizontal line.

Tristram R. Fall, III
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Dated: June 15, 2009
Philadelphia, Pennsylvania

VIA ELECTRONIC SYSTEM FOR
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CERTIFICATE OF TRANSMISSION

I hereby certify that this paper is being electronically filed with the Trademark Trial and Appeal Board of the United States Patent and Trademark Office by means of the Electronic System for Trademark Trials and Appeals ("ESTTA") on this 15th day of June, 2009.

Dated: June 15, 2009



Tristram R. Fall, III

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this paper was deposited with the United States Postal Service, first class postage prepaid, on the date indicated below, in an envelope addressed to:

Peter M. de Jonge, Esquire
Gordon K. Hill, Esquire
Thorpe North & Western, LLP
8180 S. 700 E., Suite 350
Sandy, UT 84070

Dated: June 15, 2009



Tristram R. Fall, III