

ESTTA Tracking number: **ESTTA341414**

Filing date: **04/08/2010**

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	Motion to Suspend for Settlement Discussions
Filer's Name	Tristram R. Fall, III
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Signature	/Tristram R. Fall, III/
Date	04/08/2010
Attachments	Motion for Suspension - CITOMIX.pdf (3 pages)(84740 bytes)

VIA ELECTRONIC SYSTEM FOR
TRADEMARK TRIALS AND APPEALS (“ESTTA”)
DATE OF FILING: April 8, 2010

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 continue to engage 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 three (3) months in order to permit the parties to continue their settlement efforts.

The parties in this proceeding are in the process of finalizing a consent agreement. Upon complete execution of such consent agreement, the parties intend to dismiss this opposition.

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 Thursday, July 8, 2010.

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: April 8, 2010
Philadelphia, Pennsylvania

VIA ELECTRONIC SYSTEM FOR
TRADEMARK TRIALS AND APPEALS ("ESTTA")
DATE OF FILING: April 8, 2010

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 8th day of April, 2010.

Dated: April 8, 2010



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: April 8, 2010



Tristram R. Fall, III