

ESTTA Tracking number: **ESTTA307437**

Filing date: **09/22/2009**

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

Proceeding.	91191087
Applicant	Defendant Studio Moderna SA
Other Party	Plaintiff Arcadia Group Brands Limited

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, Studio Moderna SA hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Studio Moderna SA has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Studio Moderna SA 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,

/s/ Jeffrey D. Wexler

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09/22/2009

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

In the Matter of Application No. 79/054,176
TOP SHOP & Design
International Classes: 38 and 39
Published in the *Official Gazette*: March 17, 2009

Arcadia Group Brands Limited,)	
)	
Opposer)	
)	Opposition No.: 91191087
v.)	
)	
Studio Moderna SA,)	
)	
Applicant.)	
)	
)	

Box: TTAB NO FEE
Commissioner for Trademarks
TRADEMARK TRIAL AND APPEAL BOARD
P.O. Box 1451
Alexandria, Virginia 22313-1451

**STIPULATION TO SUSPEND PROCEEDING PENDING COMPLETION OF
RELATED OPPOSITION/CANCELLATION PROCEEDING**

In the matter of Opposition No. 91191087 (the "Opposition"), Applicant Studio Moderna SA ("Studio Moderna") and Opposer Arcadia Group Brands Limited ("Arcadia") hereby request the Board pursuant to 37 C.F.R. § 2.117 to stay this proceeding pending the completion of consolidated Opposition No. 91169226 and Cancellation No. 92049146 filed by Arcadia against Studio Moderna (the "Consolidated Proceeding"), provided that:


- (1) the Board may, either *sua sponte* or for good cause shown through a motion by either party, order the resumption of the Opposition prior to resolution of the Consolidated Proceeding; and

(2) all discovery responses served, depositions taken, and documents produced in the Consolidated Proceeding may be used in the Opposition, when and if proceedings in the Opposition resume, provided that this stipulation shall not broaden the scope of discovery in the Consolidated Proceeding to matters not at issue in that Proceeding.

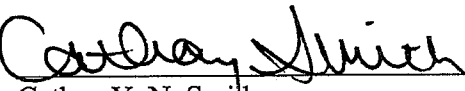
Studio Moderna and Arcadia request such suspension because the result in the Consolidated Proceeding may have a bearing on the Opposition because, *inter alia*, the Consolidated Proceeding and the Opposition involve the same parties and the same or similar marks used in connection with different goods and/or services.

This stipulation is without prejudice to any rights that either party may have to present any legal or factual contention or argument in the Opposition on resumption or in the Consolidated Proceeding.

**LUCE FORWARD HAMILTON &
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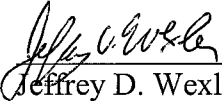
By: 
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Limited

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing STIPULATION TO SUSPEND PROCEEDING PENDING COMPLETION OF RELATED OPPOSITION/CANCELLATION PROCEEDING to the following attorneys via U.S. mail at the postal address set forth below.

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