ESTTA Tracking number: **ESTTA437936**

Filing date: **10/26/2011**

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

Proceeding	91200842
Party	Plaintiff Hero Nutritional Products, LLC
Correspondence Address	Paul N. Tauger Hero Nutritional Products, LLC 991 Calle Negocio San Clemente, CA 92673 UNITED STATES ptauger@heronutritionals.com
Submission	Other Motions/Papers
Filer's Name	Paul N. Tauger
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Signature	/paul n. tauger/
Date	10/26/2011
Attachments	LT USPTO re Request to Lift Suspension 10.26.11.pdf (3 pages)(725095 bytes)

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

Hero Nutritional Products, LLC,	)	**Opposition No.: 91200842**
	)	
Opposer,	)	**Mark: MARVEL HEROES**
	)	**Serial No.: 85225656**
v.	)	
	)	
Marvel Characters, Inc.,	)	
	)	
Applicant	)	

OPPOSER'S REQUEST TO LIFT SUPPENSION PURSUANT TO FED. R. CIV. P. 26

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

As efforts to resolve this matter have failed, Hero Nutritional Products, LLC respectfully requests that the Trademark Trial and Appeal Board lift the suspension of this matter and provide new procedural schedule dates.

Dated: October 26, 2011

Respectfully Submitted,

Paul N. Tauger
General Counsel
Hero Nutritionals LLC

PROOF OF SERVICE BY U.S. MAIL

I, Adriana Ayala, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am employed in the City of San Clemente, and County of Orange, State of California, under the supervision of a member of the bar of this court, at whose direction the service was made. I am a citizen of the United States, over the age of eighteen (18) years and not a party to or interested in the within-entitled action. I am an employee of Hero Nutritional, LLP, and my business address is 991 Calle Negocio, San Clemente, California, 92673.

I caused to be served by First Class United States Postal Office mailed the following document(s):

1. Opposer's Request to Lift Suspension Pursuant to Fed. R. Civ. P. 26

I caused the above document(s) to be served on the following person(s):

Mary A. Donovan
Donovan & Yee LLP
161 Avenue of the Americas, Suite 1201
New York, NY 10013

by the following means:

☒ **I enclosed a true and correct copy of said document(s) in an envelope and placed it for collection and mailing as First Class with the United States Postal Office on October 26, 2011, following the ordinary business practice.**

☐ I enclosed a true and correct copy of said document(s) in an envelope, and placed it for collection and mailing via Federal Express on , for guaranteed delivery on , following the ordinary business practice.

☐ I consigned a true and correct copy of said document(s) for facsimile on -.

☐ I enclosed a true and correct copy of said document(s) in an envelope, and consigned it for hand delivery by messenger before 5:00 p.m. on _____.

I am readily familiar with my firm's practice for collection and processing of correspondence for delivery in the manner indicated above, to wit, that correspondence will be deposited for collection in the above-described manner this same day in the ordinary course of business. Executed on October 26, 2011, at San Clemente, California.

Adriana Ayala

Hero Nutritionals, Inc.
991 Calle Negocio
San Clemente, CA 92673

Mary A. Donovan
Donovan & Yee LLP
161 Avenue of the Americas, Suite 1201
New York, NY 10013