

ESTTA Tracking number: **ESTTA532783**

Filing date: **04/17/2013**

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

Proceeding	91202582
Party	Defendant Alzheimer's Foundation of America, Inc.
Correspondence Address	MARK J INGBER THE INGBER LAW FIRM 374 MILLBURN AVENUE MILLBURN, NJ 07041-1811 UNITED STATES ingber.law@verizon.net
Submission	Motion to Suspend for Civil Action
Filer's Name	MARK J. INGBER
Filer's e-mail	ingber.law@verizon.net
Signature	/MARK J. INGBER/
Date	04/17/2013
Attachments	LETTER REQUESTIING CONTINUED SUSPENSION.pdf (3 pages)(912102 bytes)

THE INGBER LAW FIRM

COUNSELLORS AT LAW

181 MILLBURN AVENUE, SUITE 202

MILLBURN, NEW JERSEY 07041

MARK J. INGBER*

ADAM BEASLEY**

OF COUNSEL

STEVEN P. LOMBARDI*

TEL: (973) 921-0080

FAX: (973) 921-0021

E-MAIL: INGBER.LAW@VERIZON.NET

*MEMBER NJ & NY BAR

**MEMBER NY BAR

April 17, 2013

VIA EMAIL AND REGULAR MAIL

United States Patent and Trademark Office

TTAB

P. O. Box 1451

Alexandria, VA 22313-1451

Attn: Veronica P. White, Paralegal Specialist

RE: Opposition No. 91202582

**Alzheimer's Disease and Related Disorders Association, Inc. v. Alzheimer's
Foundation of America, Inc.**

Dear Ms. White:

We are counsel for Alzheimer's Foundation of America, Inc. In response to your letter dated April 16, 2013, we continue to request the suspension of this matter pending disposition of Civil Action 10 CV-3313(RWS), filed by Respondent against Petitioner in the U.S. District Court for the District of New Jersey. Respondent continues to seek registration of Federal Service Mark, Serial No. 76/706156 published for opposition on April 20, 2011 for the mark "ALZHEIMER'S FOUNDATION OF AMERICA," in the course of advertising its services, and asserts that its mark:

(1) Is not likely to cause confusion with Petitioner's registered mark under § 2(d) and 14 of United States Trademark Act 15 U.S.C. § 1052(d) and 1064; and (2) is not likely to cause confusion with Petitioner's previously used mark under § 2(d) and 14 of United States Trademark Act 15 U.S.C. § 1052(d) and 1064. Finally, Alzheimer's Foundation of America seeks its attorneys fees, expenses, and costs incurred in this action, and any other relief the Court deems just and proper.

At present, we continue to be engaged in discovery, with a motion pending before Judge Sweet regarding discovery issues.

Respondent continues to assert that the pending civil action will be dispositive of the Board case, and that proceedings before the Board in Cancellation No. 91202582 should continue to be suspended pending disposition of Civil Action 10 CV-3313(RWS), pursuant to Trademark Trial and Appeal Board Manual of Procedure, Section 510.02 (a); CFR 2.117(a).

Respectfully submitted,

THE INGBER LAW FIRM

By: 

Mark J. Ingber

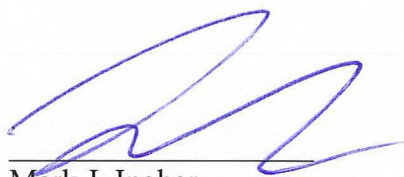
cc: Lisa W. Rosaya, Esq. via regular, first class mail and email
John Basinger, Esq., via email
Michael Atkins, Esq., via email

PROOF OF SERVICE

The person whose signature appears below confirms that the attached letter has been served upon the other party by transmitting a copy of the document by first class mail to:

Lisa W. Rosaya, Esq.
Baker & McKenzie LLP
1114 Avenue of the Americas
New York, NY 10036
Lisa.Rosaya@bakermckenzie.com

Attorneys for Petitioner, which mailing was made on April 17, 2013.



Mark J. Ingber

TTAB SUSPENSION NOTICE LETTER WITH STATUS OF LITIGATION