

IN THE U.S. PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

THE FRESH MARKET, INC.,

Petitioner,

v.

FOOD CIRCUS SUPER MARKET, INC.,

Registrant.

Cancellation No. 92044531

Registration No. 2,559,145 - 75,447,909
Mark: CIRCUS FRESH MARKET
HALL & Design



02-08-2006

U.S. Patent & Trademark Office Mail Report #11

STIPULATION TO SUSPEND PROCEEDINGS

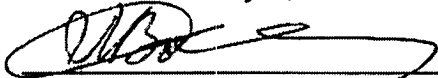
Subject to the approval of the Board, the parties, by their respective counsel, stipulate that proceedings be suspended, including Petitioner's deadline to respond to Registrant's Motion to Amend Answer to Add Counterclaim to Cancel Petitioner's Pleaded Registration, subject to the right of either party to request resumption of proceedings at any time. Trademark Rule 2.117(c).

This request is not filed for purposes of delay. The parties seek suspension of proceedings because they are discussing a possible settlement of this matter.

Upon resumption of proceedings, the parties respectfully request that the Board reset the time for Petitioner to file a response to Registrant's Motion to Amend Answer and that discovery and trial dates be reset accordingly.

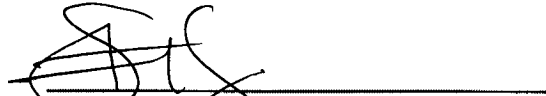
Respectfully submitted,

Dated: February 8, 2006



Lewis F. Gould, Jr.
Maxim A. Voltchenko
DUANE MORRIS LLP
30 South 17th Street
Philadelphia, PA 19103-4196
215-979-1282

Attorneys for Registrant
FOOD CIRCUS SUPER
MARKET, INC.



Douglas A. Rettew
Stacey H. King
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue, NW
Washington, D.C. 20001-4417
202-408-4000

Attorneys for Petitioner
THE FRESH MARKET, INC.

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing STIPULATION TO SUSPEND PROCEEDINGS was served by first class mail, postage prepaid, on this 8th day of February 2006, upon counsel for Registrant:

Lewis F. Gould, Jr.
Maxim A. Voltchenko
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103-4196

