

ESTTA Tracking number: **ESTTA338467**

Filing date: **03/22/2010**

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

Proceeding	92051345
Party	Plaintiff Nutech Medical, Inc.
Correspondence Address	Howard P. Walthall, Jr. Burr & Forman LLP 420 North 20th Street, Suite 3400 Birmingham, AL 35203 UNITED STATES hpwaltha@burr.com, ivincent@burr.com, jkelly@burr.com, pkustos@burr.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Howard P. Walthall, Jr.
Filer's e-mail	hpwaltha@burr.com, ivincent@burr.com, jkelly@burr.com, pkustos@burr.com
Signature	/howard p walthall/
Date	03/22/2010
Attachments	NUTEK - Motion to Suspend.pdf (2 pages)(59355 bytes)

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

In Re Trademark Registration No. 3,382,528
For the Mark NUTEK
Registered on February 12, 2008

Nutech Medical, Inc.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92051345
)	
Nutek Orthopaedics, Inc.)	
)	
Registrant.)	

MOTION TO SUSPEND PROCEEDING

Petitioner, Nutech Medical, Inc., hereby moves for the suspension of the above-captioned proceeding for a period of six months. Petitioner initiated the above-captioned proceeding in order to maintain its rights in its applications to register NUTECH (U.S. Serial No. 77/614,657), NUTECH MEDICAL (U.S. Serial No. 77/614,717), and NUTECH BIOLOGICS (U.S. Serial No. 77/658,694). Petitioner and Registrant have entered into a coexistence agreement contingent upon registration of Petitioner's marks. As a result, Petitioner requests that this proceeding be suspended for the requested period, up to and including, September 22, 2010.

Dated this 22nd day of March 2010.

Respectfully Submitted,



Howard P. Walthall, Jr., Esq.
India E. Vincent, Esq.
Justin H. Kelly, Esq.
Burr & Forman, LLP
420 20th Street South, Suite 3400
Birmingham, Alabama 35203
Phone: (205) 251-3000
Fax: (205) 458-5100

Attorneys for Petitioner, Nutech Medical, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served by First Class Mail on March 22, 2010, postage prepaid, to the Registrant at the following address:

Barry L. Haley
Malin Haley DiMaggio Bowen & Lhota, PA
1936 South Andrews Avenue
Fort Lauderdale, FL 33316

Respectfully Submitted,



Howard P. Walthall, Jr., Esq.