

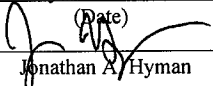
ESTTA Tracking number: **ESTTA420641**

Filing date: **07/19/2011**

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

|                           |  |
|---------------------------|--|
| Proceeding                | 92053611   |
| Party                     | Defendant<br>THE FRS Company   |
| Correspondence<br>Address | JONATHAN A. HYMAN<br>KNOBBE MARTENS ET AL<br>2040 MAIN ST FL 14<br>IRVINE, CA 92614<br>UNITED STATES<br>efiling@kmob.com, jhh@kmob.com |
| Submission                | Motion to Suspend for Settlement Discussions   |
| Filer's Name              | Jonathan A. Hyman  |
| Filer's e-mail            | efiling@kmob.com, jhh@kmob.com   |
| Signature                 | /jhh/  |
| Date                      | 07/19/2011   |
| Attachments               | FRSCO.082CN-Motion for Suspension.pdf ( 1 page )(45716 bytes )   |

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

|                  |   |  |
|------------------|---|--|
| MONAVIE LLC,     | ) | Cancellation No.: 92053611   |
|                  | ) | Mark: HEALTHY ENERGY   |
| Petitioner,      | ) | Registration No.: 3,544,234  |
|                  | ) |  |
| v.               | ) | I hereby certify that this correspondence and all marked attachments are           |
|                  | ) | being deposited with the United States Patent and Trademark Office,                |
|                  | ) | Trademark Trial and Appeal Board via electronic filing through their               |
|                  | ) | website located at <a href="http://esta.uspto.gov/">http://esta.uspto.gov/</a> on: |
| THE FRS COMPANY, | ) |  |
|                  | ) | July 19, 2011  |
|                  | ) | (Date)   |
| Registrant.      | ) |  |
|                  | ) | Jonathan A. Hyman  |

**Motion For Suspension For Settlement With Consent**

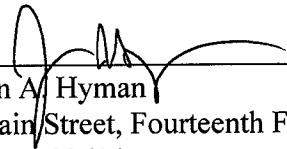
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir or Madam:

The parties are actively engaged in negotiations for the settlement of this matter. The parties request that this proceeding be suspended for sixty (60) days from August 7, 2011, to allow the parties to continue their settlement efforts. This motion is not for purposes of delay but to allow the parties to continue settlement negotiations. Applicant's counsel, Jeffrey M. Lillywhite, consented to this extension via email on July 19, 2011.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

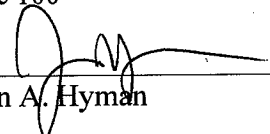
Dated: July 19, 2011

By:   
Jonathan A. Hyman  
2040 Main Street, Fourteenth Floor  
Irvine, CA 92614  
(310) 551-3450  
Attorneys for Registrant, The FRS Company

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **Motion For Suspension For Settlement With Consent** upon Applicant's counsel via first class mail, on July 19, 2011, addressed as follows:

Jeffrey M Lillywhite  
MONAVIE LLC  
10855 S River Front Pkwy Ste 100  
South Jordan, UT 84095

  
Jonathan A. Hyman