

ESTTA Tracking number: **ESTTA485395**

Filing date: **07/25/2012**

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

Proceeding	92054047
Party	Plaintiff Flowers Bakeries Brands, LLC
Correspondence Address	CHARLENE R MARINO KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE ST , SUITE 2800 ATLANTA, GA 30309-4530 UNITED STATES cmarino@ktslaw.com, tdavis@ktslaw.com, bbrewster@ktslaw.com, kteilhaber@ktslaw.com, tmadmin@ktslaw.com
Submission	Response to Board Order/Inquiry
Filer's Name	Theodore H. Davis Jr.
Filer's e-mail	tdavis@ktslaw.com, cmarino@ktslaw.com, bbrewster@ktslaw.com, kteilhaber@ktslaw.com, tmadmin@ktslaw.com
Signature	/Theodore H. Davis Jr./
Date	07/25/2012
Attachments	2012.07.25 Petitioner's Response to Board's Inquiry.pdf (3 pages)(10481 bytes)

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

FLOWERS BAKERIES BRANDS, LLC,)
)
 Petitioner,)
) Reg. Nos. 3768903 and 3845596
 v.)
) Mark: NATURE’S PRIDE
)
) Cancellation No. 92054047
 HOSTESS BRANDS, INC.,)
)
 Respondent.)

**PETITIONER’S RESPONSE TO INQUIRY REGARDING SUSPENSION OF
PROCEEDING PENDING CIVIL ACTION**

In response to the Board’s June 28, 2012 Order (Dkt. 7), Petitioner Flowers Bakeries Brands, LLC (“Petitioner”) confirms that the civil action between the parties styled as *Flowers Bakeries Brands, LLC, f/k/a Flowers Bakeries Brands, Inc. v. Hostess Brands, Inc. f/k/a Interstate Bakeries Corp.*, Civil Action No. 1:08-CV-2376-TWT (the “Civil Action”) remains pending in the United States District Court for the Northern District of Georgia. The Civil Action is currently stayed pending disposition of Respondent Hostess Brands, Inc.’s (“Respondent”) Chapter 11 bankruptcy petition in the matter styled *In re Hostess Brands, Inc.*, Case No. 12-22052 (RDD) pending in the United States Bankruptcy Court for the Southern District of New York. Petitioner agrees with Respondent’s response to the Board’s inquiry (Dkt. 8) that this proceeding should remain suspended pending resolution of the Civil Action.

Dated: July 25, 2012

Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4530
404-815-6500 (ph.)
404-815-6555 (fax)

Respectfully submitted,

/Theodore H. Davis Jr./
William H. Brewster
Theodore H. Davis Jr.
Charlene R. Marino
Nichole Davis Chollet

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I certify that a copy of the attached PETITIONER'S RESPONSE TO INQUIRY REGARDING SUSPENSION OF PROCEEDING PENDING CIVIL ACTION was served on Respondent on July 25, 2012 via first-class mail addressed to:

Thomas H. Van Hoozer, Esq.
Hovey Williams LLP
10801 Mastin Blvd.
Suite 1000
Overland Park, KS 66210

/Charlene R. Marino/
Attorney for Petitioner

CERTIFICATE OF TRANSMITTAL

I certify that a copy of the attached PETITIONER'S RESPONSE TO INQUIRY REGARDING SUSPENSION OF PROCEEDING PENDING CIVIL ACTION is being filed electronically with the TTAB via ESTTA on July 25, 2012.

/Charlene R. Marino/
Attorney for Petitioner