

ESTTA Tracking number: **ESTTA291877**

Filing date: **06/25/2009**

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

|                           |   |
|---------------------------|---|
| Proceeding                | 94002389  |
| Party                     | Applicant<br>Theme Food Inc.  |
| Correspondence<br>Address | Michael A. Cornman<br>Schweitzer Cornman Gross & Bondell LLP<br>292 Madison Ave Fl 19<br>New York, NY 10017-6313<br>UNITED STATES<br>mac@scgb-law.com |
| Submission                | Stipulated/Consent Motion to Extend   |
| Filer's Name              | Elliot W. Lipins  |
| Filer's e-mail            | elipins@ladas.com   |
| Signature                 | /Elliot W. Lipins/  |
| Date                      | 06/25/2009  |
| Attachments               | Motion to Suspend 6-25-09.pdf ( 3 pages )(72961 bytes )   |

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

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Live Bait, LLC, )  
 )  
 ) Plaintiff, )  
 )  
 ) v. ) Concurrent Use Proceeding  
 ) No. 94002389  
 )  
Theme Food Inc. )  
 )  
 ) Defendant. )  
 )  
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Live Bait, LLC, )  
 )  
 ) Opposer, )  
 )  
 ) v. ) Opposition No. 91189035  
 ) Opposition No. 91189036  
 )  
Theme Food Inc. ) In re Serial Nos. 78568256  
 ) and 78568268  
 ) Applicant. )  
 )  
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**STIPULATED MOTION TO SUSPEND**

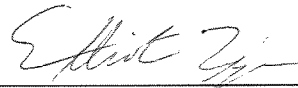
On June 16, 2009 the parties' submitted an executed Concurrent Use Agreement. The Concurrent Use Agreement may be dispositive of all of the issues in this consolidated proceeding. Theme Food Inc. requests a suspension of all outstanding deadlines including, but not limited to, Theme Food Inc.'s time to answer currently due on June 27, 2009 and the deadline for discovery conference of July 27, 2009, pending the TTAB's decision on the submitted Concurrent Use Agreement. David

Burkholder, Attorney for Live Bait, LLC, agreed to this suspension request on June 25, 2009. The motion is made in good faith and without any intent to cause delay or prejudice.

Dated: June 25, 2009

Respectfully Submitted,

By



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Elliot W. Lipins  
Michael A. Cornman  
LADAS & PARRY LLP  
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26 West 61st Street  
New York, NY 10023  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 25, 2009 a true copy of the foregoing stipulated motion to suspend has been served by first class mail, postage prepaid, to Live Bait, LLC's attorneys at the following address:

David R. Burkholder  
Balch & Bingham LLP  
1901 6th Ave N, Suite 1500  
Birmingham, AL 35203-2618



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Elliot W. Lipins