

TTAB

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

CONVERSIVE, INC.

Opposer,

v.

CONVERSAGENT, INC.
(formerly, ACTIVE BUDDY, INC.)

Applicant.

Opposition No.: 91160948
Application No.: 78/305,402
Mark: CONVERSAGENT

Commissioner for Trademarks
Box: TTAB – NO FEE
P.O. Box 1451
Alexandria, Virginia 22313-1451

**NOTIFICATION TO THE BOARD OF OPPOSER/RESPONDENT'S
SUBSTITUTION OF REPRESENTATION**

The Applicant hereby notifies the Board of its appointment of new counsel in the above-referenced proceedings, effective immediately, through the enclosed Substitute Power of Attorney, and respectfully requests the Board update its records accordingly.

By: 

Jess M. Collen
COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Avenue
Ossining-On-Hudson, NY 10562
Tel: (914) 941-5668
Fax: (914) 941-6091
Attorneys for Applicant

Date: April 20, 2005
JMC/TPG
Encl.: Substitute Power of Attorney
Certificate of Service
3 Duplicate Copies (4 total)



04-22-2005

COLLEN IP, INTELLECTUAL PROPERTY LAW, P.C., THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE, OSSINING-ON-HUDSON, NEW YORK, 10562.

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451.
COLLEN IP

BY: Jennifer DeRosa DATE: April 20, 2005

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SUBSTITUTE POWER OF ATTORNEY

Sir:

Applicant hereby appoints Jess M. Collen member of the New York Bar at the address COLLEN IP, The Holyoke-Manhattan Building, 80 South Highland Avenue, Ossining-On-Hudson, New York 10562, Telephone No. (914) 941-5668 to prosecute the above-captioned proceedings in the United States Patent and Trademark Office Trademark Trial and Appeal Board, to transact all business in the Patent and Trademark Office in connection therewith, and revoking all prior powers and appointments. The Applicant requests the Board to make this substitution and change the correspondence address for Applicant's representative as well.

Conversagent, Inc.
(Applicant)

By:

Stephen D. Klein
(Printed Name)

Title:

CLO

Date:

28 April 05

COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Avenue
Ossining-On-Hudson, New York 10562

CERTIFICATE OF SERVICE

I, Jennifer DeLosa, hereby certify that a copy of the foregoing Notification To The Board Of Applicant's Substitution Of Representation and Substitute Power of Attorney and Motion to Suspend Proceedings was served upon the following parties via first class mail, this 20th day of April, 2005:

Kent E. Baldauf, Jr., Registration No. 3
Webb Ziesenheim Logsdon Orkin & Hanson
436 Seventh Avenue, 700 Koppers Bldg.
Pittsburgh, PA 15219-1818

Janene P. Bassett
Sheppard Mullin
1901 Ave. of the Stars, 16th Fl.,
Los Angeles, CA 90067
Tel: (310) 228-3731
Fax: (213) 443-2773 :

Jennifer DeLosa April 20, 2005
(Date)

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MOTION TO SUSPEND OPPOSITION PROCEEDINGS

Applicant, Conversagent, Inc. (“Conversagent”), pursuant to TBMP 510.02(a), hereby moves the Board to suspend the Opposition proceedings before the Trademark Trial and Appeal Board. Applicant seeks this suspension in light of an ongoing civil litigation between the parties that involve the parties’ rights with respect to the mark CONVERSAGENT.

On February 24, 2005, Conversive, Inc. (herein referred to as “Opposer”), filed a civil action in the United States District Court for the Central District of California against Conversagent, Inc., Civil Action No. 05 CV 1399. A copy of the Complaint is attached hereto as Exhibit A. Opposer’s Complaint alleges, *inter alia*, issued which could resolve the issues presently before the Board in this administrative proceeding





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