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

Proceeding	91197320
Party	Defendant 3OH3
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Submission	Motion to Suspend for Civil Action
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Date	11/23/2010
Attachments	3Oh!3Mot.PDF (4 pages)(89514 bytes) Exh1.PDF (30 pages)(3142755 bytes) Exh1Cont.PDF (52 pages)(1800332 bytes)

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

DALLAS PAGE aka PAGE FALKINBURG,

Opposer,

v.

3OH!3,

Applicant.

: Opposition No. 91/197,320

: Serial No. 77/930,856

MOTION TO SUSPEND PENDING INTER PARTES PROCEEDING

The Applicant, 3OH!3 (“Applicant”), hereby moves to suspend the above-captioned proceeding pending disposition of Civil Action No. CV10-006527 DDP (SSX), filed by Opposer Dallas Page aka Page Falkinburg (“Opposer”) against Applicant in United States District Court, Central District of California.

Applicant is the owner of United States Trademark and Service Mark Application No. 77/930,856 for its **3OH!3 Hand Symbol Design** Mark in International Class 9 for Audio headphones; Cases for mobile phones; Compact discs featuring music; Digital music downloadable from the Internet; Downloadable MP3 files, MP3 recordings, on-line discussion boards, webcasts, webinars and podcasts featuring music, audio books and news broadcasts; Frames for spectacles and sunglasses; Guitar skins for electronic guitar game controllers; Headphones; Protective carrying cases for portable music players, namely, MP3 players; Protective covers and cases for cell phones, laptops and portable media players; Spectacles and sunglasses; Sunglasses, in International Class 14 for necklaces, in International Class 25 for Bikinis; Bras; Short-sleeved or long-sleeved t-


shirts; Shorts; Sweat shorts; T-shirts; Tank tops; Tank-tops, in International Class 35 for Entertainment marketing services, namely, marketing, promotion and advertising for independent recording artists, and in International Class 41 for Entertainment in the nature of visual and audio performances, namely, musical band, rock group, gymnastic, dance, and ballet performances; Entertainment services in the nature of live musical performances; Entertainment, namely, live performances by a musical band.

Opposer has filed a Notice of Opposition against this application, claiming that a likelihood of confusion exists as between the respective parties use of their respective marks. Prior to filing the subject Notice of Opposition, Opposer instituted a civil action against Applicant in the United States District Court, Central District of California, asserting claims of Federal Trademark Infringement, Unfair Competition under the Lanham Act, Common Law Trademark Infringement and other state law causes of action, all arising out of Applicant's use of the mark that is subject of the opposed application. Applicant has filed an Answer in that proceeding denying all of Opposer's claims. The pleadings in this Civil Action are attached hereto as **Exhibit 1**.

The disposition of the subject matter addressed in the Civil Action will have substantial bearing on all of the issues raised in this Opposition Proceeding. Accordingly, it is respectfully submitted that all further proceedings in Opposition No. 91/197,320 be suspended pending disposition of Civil Action No. CV10-006527 DDP (SSX).

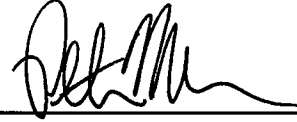
Respectfully submitted,

11/23/10
Dated


Attorneys for Applicant
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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Motion To Suspend Inter Partes Proceeding was served via first class mail, on the attorney for Opposer, Ralph C. Loeb, Krane & Smith, 16255 Ventura Blvd, Suite 600, Encino, California 91436, on this 23rd day of November, 2010.



Peter E. Nussbaum
Wolff & Samson PC
Attorney for Applicant

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