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

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| Proceeding | 92048898 |
| Party | Defendant Children's Legal Services PLLC |
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| Submission | Motion to Suspend for Civil Action |
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| Signature | /Brian D. Wassom/ |
| Date | 08/15/2008 |
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SIMON KRESCH,

Petitioner,

Cancellation No.: 92048898

v.

Registration No. 2,472,064

CHILDREN'S LEGAL SERVICES, PLLC,

Mark: "1-877-CPNEEDS"

Registrant.

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REGISTRANT'S MOTION TO SUSPEND FOR CIVIL ACTION

Registrant Children's Legal Services, PLLC ("CLS"), by its attorneys Honigman Miller Schwartz and Cohn LLP, hereby moves to suspend this Cancellation proceeding on the ground that there is a pending civil lawsuit involving the same mark and subject matter as this proceeding. In support, CLS says:

1. Petitioner Simon Kresch ("Kresch") brought this action to cancel CLS's Registration 2,472,064 in the mark "1-877-CPNEEDS," on the grounds of alleged abandonment and fraud.

2. CLS has answered the Petition, and defended the validity of its registration. Moreover, among other things, CLS has raised as an affirmative defense the allegation that Kresch has acted in bad faith and with unclean hands to convert from CLS ownership of the toll-free phone number that corresponds to 1-877-CPNEEDS.

3. On August 15, 2008, CLS filed Civil Action No. 08-13532 in the U.S. District Court for the Eastern District of Michigan against Kresch and others. The Civil Action alleges that Kresch infringed upon the 1-877-CPNEEDS mark, and converted the corresponding phone number. A copy of the complaint is attached hereto.

4. The subject matter of the Civil Action and this Cancellation are materially identical. Kresch will be able to assert in the Civil Action every argument he alleges in this Cancellation. CLS will be able to assert in the Civil Action every argument it could make in the Cancellation, along with several that it cannot raise in the Cancellation, including allegations of infringement, conversion, and requests for injunctive and monetary relief.

5. Judicial economy and the interests of justice therefore militate heavily in favor of suspending this action.

6. On August 15, 2008, the undersigned spoke with Matthew Swyers, counsel to Petitioner Kresch, to seek consent in this motion. Mr. Swyers did not consent.

Wherefore, CLS respectfully requests that the Board immediately suspend this Cancellation proceeding.

HONIGMAN MILLER SCHWARTZ AND
COHN LLP

Dated: August 15, 2008

By: /s/ Brian D. Wassom

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CERTIFICATE OF TRANSMITTAL

I hereby certify that on August 15, 2008, the foregoing document was electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA).

By: /Brian D. Wassom/

Brian D. Wassom

CERTIFICATE OF SERVICE

I certify that on August 15, 2008, I caused a copy of the foregoing document to be served via email to:

Matthew H. Swyers
mswyers@swyerslaw.com

By: /Brian D. Wassom/

Brian D. Wassom

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Exhibit

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