



Attorney Docket No.: 238096US-21

TTAB

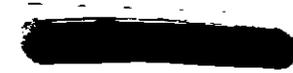
TTAB
NO FEE

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

Toyota Jidosha Kabushiki Kaisha,)	
t/a Toyota Motor Corporation,)	
)	
-and-)	Opposition No.: 157,206
)	U.S. Appln. Serial No.: 78/145,546
)	Mark: v. LEXUS
Toyota Motor Sales, U.S.A., Inc.,)	
)	
Opposers)	
)	
v.)	Opposition No. 159,578
)	U.S. Appln. Serial No.: 78/185,538
Syngenta Participations AG,)	Mark:: v. LEXXUS
)	
Applicant)	

OPPOSERS' REPEATED MOTION TO SUSPEND PROCEEDINGS

Opposers, Toyota Jidosha Kabushiki Kaisha and Toyota Motor Sales, U.S.A., Inc. filed a Motion to Suspend Proceedings on August 11, 2006. Attached is a copy of the Filing Receipt that was date stamped by the PTO (Exhibit A).



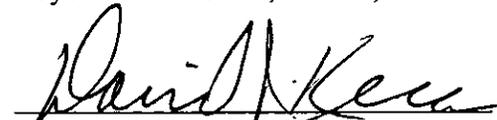
08-21-2006
U.S. Patent & TMO/TM Mail Rcpt Dt. #

As of this date, the original Motion to Suspend Proceedings has not been entered into the TTABVUE database and Opposers' hereby re-file their original motion to suspend proceedings in Opposition No. 91/157,206.

Respectfully submitted,

Toyota Jidosha Kabushiki Kaisha,
t/a Toyota Motor Corporation and
Toyota Motor Sales, U.S.A., Inc.

By:



David J. Kera
Oblon, Spivak, McClelland,
Maier, & Neustadt, P.C.
1940 Duke Street
Alexandria, Virginia 22314
(703) 413-3000
Fax: (703) 413-2220
Email: Dkera@oblon.com

Date: Aug 21, 2006

DJK/ojb {I:\ATTY\DJK\213-238096US-M03.DOC}

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

Toyota Jidosha Kabushiki Kaisha,)	
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OPPOSERS' MOTION TO SUSPEND PROCEEDINGS

Opposers, Toyota Jidosha Kabushiki Kaisha and Toyota Motor Sales, U.S.A., Inc. hereby move to suspend proceedings in this consolidated opposition proceeding.

Applicant has, at literally the last minute, filed a motion to "reopen discovery and to compel".

At first reading, the motion appears to have little if any merit, and in Paragraph V, Reconsideration, on the fourth page of the motion, Applicant is apparently requesting reconsideration of the Board's Order of June 27, 2006, which said that Applicant's

motion of October 28, 2005 was in effect a request by Applicant for reconsideration of the status of Mr. Zellinger and Syngenta.

Notwithstanding the apparent lack of merit of the motion served on August 8, 2006 by Applicant's attorney, Opposers must respond to the motion. The due date for a response is August 28, 2006, and under 37 C.F.R. §2.127(a), Applicant has twenty days from Opposers' service of their opposition to Applicant's motion to file a brief in reply. That potentially brings the end of the briefing period to September 17, 2006, after which the Board will require time to consider the briefs and rule on Applicant's motion.

After the Board does issue an Order, there will be a period of one month within which either party could file a request for reconsideration or modification of the Order, followed by a period of twenty days for the other party to respond to the request for reconsideration.

It is apparent that Opposers cannot take their testimony in support of the opposition during the projected testimony period of September 2006 but must await the final disposition of Applicant's August 8th motion, which will be at some undetermined date in the future.

For that reason, Opposers request a suspension of proceedings with Opposers' testimony period to be reset to commence sixty days after the final determination by the

Board of Applicant's August 8th motion.

Respectfully submitted,

Toyota Jidosha Kabushiki Kaisha,
t/a Toyota Motor Corporation and
Toyota Motor Sales, U.S.A., Inc.

By:



David J. Kera
Oblon, Spivak, McClelland,
Maier, & Neustadt, P.C.
1940 Duke Street
Alexandria, Virginia 22314
(703) 413-3000
Fax: (703) 413-2220
Email: Dkera@oblon.com

Date:

August 10, 2006

DJK/ojb {I:\ATTY\DJK\213-238096US-MO1.DOC}

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **OPPOSERS' MOTION TO SUSPEND PROCEEDINGS** was served on counsel for Applicant, this 11th day of August, 2006, by sending same via U. S. mail and postage prepaid, to:

James A. Zellinger, Esquire
-----Trademark Counsel-----
Syngenta Crop Protection Inc.
410 Swing Road
Greensboro, North Carolina 27409

D. Jean Barrett

EXHIBIT A

FILING RECEIPT

B
8/14/06

TTAB

OSMM&N File No. 238096US21

By: DJK/ojb

Opposition No.: 91/157,206

Applicant: Toyota Jidosha Kabushiki Kaisha, t/a Toyota Motor Corporation

Matter: Toyota Jidosha Kabushiki Kaisha and Toyota Motor Sales, U.S.A., Inc. v. Syngenta Participations AG (v. LEXUS and LEXXUS)

Class(es): 5

Due Date: August 28, 2006

The following have been received in the U.S. Patent and Trademark Office on the date stamped hereon:

Opposers' Motion to Suspend Proceedings for Opposition No. 91/157,206



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **OPPOSERS' REPEATED**
MOTION TO SUSPEND PROCEEDINGS was served on counsel for Applicant, this
21st day of August, 2006, by sending same via U. S. mail and postage prepaid, to:

James A. Zellinger, Esquire
Trademark Counsel
Syngenta Crop Protection Inc.
410 Swing Road
Greensboro, North Carolina 27409