

ttab

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

In the matter of trademark Application Serial No. 76/159889

For the mark WESTFIELD BANK

Published in the Official Gazette on June 10, 2003



01-14-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

_____)
Westfield Mutual Holding Company,)
Westfield Financial, Inc., and)
Westfield Savings Bank d/b/a)
Westfield Bank,)
Opposers,)
)
v.)
)
Westfield Financial Corporation,)
Applicant.)
_____)

Opposition No. 91157514

BOX TTAB/NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-8513

CONSENT MOTION TO SUSPEND PROCEEDINGS
AND
CONSENT MOTION TO CONSOLIDATE

Westfield Mutual Holding Company (“Westfield Mutual”), Westfield Financial, Inc. (“Westfield Financial”), and Westfield Savings Bank d/b/a Westfield Bank (“Westfield Bank” and, collectively with Westfield Mutual and Westfield Financial, “Opposers”) hereby move pursuant to Trademark Rule 2.117(c) to suspend the proceedings in the above-referenced opposition in order to allow the parties time to negotiate and finalize a settlement.

In addition, Opposers move pursuant to F.R.C.P. 42(a) to consolidate the proceedings in the above-referenced opposition with those of Opposition No. 91153975.

The current discovery and testimony periods in the above-referenced opposition are as follows:

Discovery period to close:	March 14, 2004
30-day testimony period for party in position of plaintiff to close:	June 12, 2004
30-day testimony period for party in position of defendant to close:	August 11, 2004
15-day rebuttal testimony period for plaintiff to close:	September 25, 2004

Opposition No. 91153975 is a related opposition proceeding that was initiated by Opposer Westfield Bank on November 25, 2002 with respect to application Serial No. 76/159889, which was filed by Ohio Farmers Insurance Company ("Ohio Farmers") regarding the mark WESTFIELD GROUP. Ohio Farmers is an affiliate of the Applicant, and many of the same facts are at issue and relevant to both the above-referenced opposition and Opposition No. 91153975. The discovery period in Opposition No. 91153975 is currently suspended until February 29, 2004, which is approximately two weeks before the end of the current discovery period for the above-referenced opposition. Opposer Westfield Bank is seeking a continuation of the suspension of proceedings in Opposition No. 91153975 for purposes of settlement negotiations, as the parties are attempting to negotiate a comprehensive resolution to the issues raised in both opposition proceedings. Therefore, if the TTAB grants the motion to consolidate, both opposition proceedings should be suspended for the same period of time, namely until May 29, 2004.

If the parties are unable to conclude a settlement by May 29, 2004 and the suspensions of the opposition proceedings are not continued, the parties request that new discovery and testimony periods be set as follows:

Discovery period to close:	September 14, 2004
30-day testimony period for party in position of plaintiff to close:	December 12, 2004
30-day testimony period for party in position of defendant to close:	February 11, 2005
15-day rebuttal testimony period for plaintiff to close:	March 25, 2005

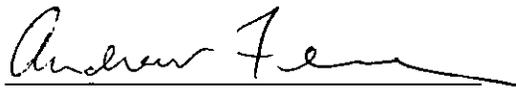
Applicant's counsel, Joseph R. Dreitler, agreed to both of the foregoing consent motions in an exchange of e-mails with the Opposers' counsel on January 12, 2004. Mr. Dreitler is Applicant's new counsel and his mailing address is Joseph R. Dreitler, Jones Day, 41 South High Street, 1800 Huntington Center, Columbus, OH 43215.

WHEREFORE, Opposers pray that this Consent Motion to Suspend Proceedings and
Consent Motion to Consolidate be granted.

Respectfully submitted,

WESTFIELD MUTUAL HOLDING COMPANY
WESTFIELD FINANCIAL, INC.
WESTFIELD SAVINGS BANK d/b/a
WESTFIELD BANK

By their attorney,



Andrew J. Ferren
GOULSTON & STORRS
A Professional Corporation
400 Atlantic Avenue
Boston, MA 02110
Tel: (617) 574-3546
Fax: (617) 574-7518

Certificate of Mailing

I hereby certify that this correspondence is being
deposited with the United States Postal Service with
sufficient postage as first-class mail in an envelope
addressed to:

BOX TTAB/NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

on 1/12/04 
Date Signature

Andrew J. Ferren

Certificate of Service

I, Andrew J. Ferren, hereby certify that the foregoing Consent Motion to Suspend Proceedings and Consent Motion to Consolidate in In the matter of Trademark Application Serial No. 76/159889, Opposition No. 91157514, was served on Joseph R. Dreitler, Jones Day, 41 South High Street, 1800 Huntington Center, Columbus, OH 43215, counsel for Applicant Westfield Financial Corporation, by first class mail on January 12, 2004.


Andrew J. Ferren