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

U.S. Trademark Application No. 76/460,477

Mark: PLATON in class 1

Published for Opposition: December 23, 2003

ISOLA A/S

Opposer

Vs.

Solvay Engineered Polymers

Applicant

Opposition No. 91159164

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451



02-18-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #64

Sir:

**REQUEST TO WITHDRAW NOTICE OF DEFAULT/
MOTION TO SUSPEND OPPOSITION PROCEEDINGS**

This is in response to the Board's issuance of a Notice of Default dated February 6, 2005, which Applicant submits was issued in error.

On June 3, 2004, the Board issued a correspondence in which it advised the Parties that Opposition No. 91159164 ("Opposition") had been suspended. In the correspondence, the Board indicated that "[I]n the event that there is no *word* from either party concerning the progress of the negotiations... [p]roceedings shall resume without further notice or order from the Board [on January 2, 2005]." (see enclosure) (*italics used for emphasis*).

Attorney's Ref: SOLEP/19164

I hereby certify that this correspondence is being deposited on the date below with the United States Postal Service as first class mail in an envelope addressed to: "UNITED STATES PATENT AND TRADEMARK OFFICE, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451."

Signature: _____

Guy D. Yale, Esq. Reg. No.: 29,125 Date: February 11, 2005

Applicant's attorney did, in fact, contact Cindy Greenbaum (the interlocutory attorney) in late December 2004 to advise her that the Parties had reached an Agreement in principle. Furthermore, Applicant's attorney discussed with Ms. Greenbaum the feasibility of filing the Withdrawal of the Opposition with Prejudice and the Amendment to the identification of goods in Applicant's U.S. Trademark Application No. 76/460,477 simultaneously.

Given this, Applicant submits that the Board's automatic resumption of the proceedings on January 2, 2005, and the subsequent issuance of the Notice of Default, was in error.

If the Board concludes, however, that the issuance of the Notice of Default was not in error, Applicant respectfully submits that Applicant has demonstrated good cause for not timely filing the Answer.

Additionally, Applicant hereby advises the Board that the parties reached a settlement on January 29, 2005. Isola A/S ("Isola") has executed the Settlement Agreement and has forwarded original copies to Applicant for execution. Pursuant to the express terms of the Settlement Agreement, the Opposition shall be withdrawn with prejudice.

Applicant hereby makes a motion to suspend the Opposition proceedings ("Motion") pending the filing of the Withdrawal of the Opposition with Prejudice, which is expected shortly. Isola's attorney, Linda Nowlin, has agreed to the Request pursuant to the express terms of the Settlement Agreement.

Accordingly, Applicant respectfully requests that this Motion be granted and that the Notice of Default be withdrawn.

Respectfully Submitted,

Solvay Engineered Polymers

By: 
Guy D. Yale
Registration No. 29,125
Alix, Yale & Ristas, LLP
Attorney for Applicant

Date: February 11, 2005
750 Main Street
Hartford, CT 06103-2721
(860) 527-9211

GDY/ty
Enclosure

Certificate of Service

I hereby certify that this correspondence is being deposited on the date below with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Linda Nowlin, Esq., Dineff Trademark Law Limited, 820 West Jackson Blvd., Chicago, IL, 60607.

Signature: 

Guy D. Yale, Esq. Reg. No.: 29,125 Date: February 11, 2005

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baez

Mailed: June 3, 2004

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Vionette Baez, Paralegal

Because the parties are negotiating for a possible settlement of this case, proceedings herein are **suspended** until six months from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

Applicant is allowed **THIRTY DAYS** from resumption in which to answer the notice of opposition. The parties are allowed the same **THIRTY DAYS** in which to serve responses to