

Attorney Docket: DacoCyto-TM-opp  
Express Mail No. EV419717227US

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

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In the Matter of Trademark Application Serial No. 78/216,191



Filed: February 18, 2003

05-18-2004

For the Mark: DACOGEN

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

Published in the Official Gazette: September 23, 2003

DAKOCYTOMATION DENMARKS A/S,  
Opposer,

§  
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§  
§  
§

Trademark Opposition No.  
91159358

v.

SUPERGEN, INC, Applicant.

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Box TTAB- NO FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

**STIPULATED MOTION FOR SUSPENSION  
OF OPPOSITION PROCEEDING**

Opposer, DakoCytomation Denmark A/S, and the Applicant, Supergen, Inc., by and through their respective counsel, in accordance with TBMP § 510.03, respectfully motion the Trademark Trial and Appeal Board (the "Board") for an order suspending this opposition proceeding. As grounds for their motion, Opposer states as follows: The discovery period in this opposition is presently scheduled to close on August 24, 2004. The parties to the opposition are currently entering into settlement negotiations and require time without opposition proceeding activities to work through their negotiations or to determine that they are unable to

resolve the matter other than through the inter partes proceeding. It is anticipated that an initial period of ninety (90) days will be needed to allow the parties sufficient time to make reasonable progress in their negotiations or to determine that the inter partes proceeding should be resumed.

The parties therefore respectfully request that this opposition proceeding be suspended for a period of ninety (90) days from the date of the filing of this Motion to allow the parties adequate time to undertake reasonable settlement efforts.

Dated this 17 day of May, 2004.

Respectfully Submitted,

SANTANGELO LAW OFFICES, P.C.

By: Cheryl Anderson-Siler  
Cheryl Anderson-Siler  
ATTORNEY FOR OPPOSER  
125 South Howes, Third Floor  
Fort Collins, CO 80521  
(970) 224-3100

HELLER EHRMAN WHITE & MCAULIFFE LLP

By: Harold J. Milstein  
Harold J. Milstein  
ATTORNEY FOR APPLICANT  
275 Middlefield Road  
Menlo Park, CA 94025-3506  
(650) 324-7000

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**PROOF OF SERVICE**

The person whose signature appears below confirms that the attached Stipulated Motion for Suspension of Opposition Proceeding has been served upon the other party in this matter by transmitting a copy of the document by first class mail to: Harold J. Milstein, Esq., Heller Ehrman White & McAuliffe LLP, 275 Middlefield Road, Menlo, California 94025, which mailing was made this same day.

Dated this 18th day of May, 2004.

Respectfully Submitted,

SANTANGELO LAW OFFICES, P.C.

By: Cheryl Anderson-Siler

Cheryl Anderson-Siler  
Attorney for Opposer  
125 South Howes, Third Floor  
Fort Collins, Colorado 80521  
(970) 224-3100

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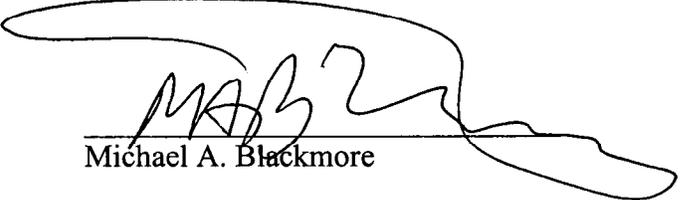
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v.	§	Trademark Opposition No.
	§	91159358
SUPERGEN, INC, Applicant.	§	

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**CERTIFICATE OF EXPRESS MAILING**

I, Michael A. Blackmore, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the following: 1) a Stipulated Motion For Suspension of Opposition Proceeding; 2) a Proof of Service; 3) a Letter of Transmittal; and 4) this Certificate of Express Mailing, with the United States Postal Service as Express Mail in an envelope, postage prepaid, addressed to: Box TTAB – NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, this 18<sup>th</sup> day of May, 2004.

  
Michael A. Blackmore

TTAB

Attorney Docket: DacoCyto-TM-opp  
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SUPERGEN, INC, Applicant.

**LETTER OF TRANSMITTAL**

Box TTAB – NO FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

Sir:

Transmitted for filing are the following items: 1) a Stipulated Motion For Suspension of Opposition Proceeding; 2) a Proof of Service; 3) a Certificate of Express Mailing; and 4) this Letter of Transmittal. Please confirm receipt of these documents by applying your date stamp on the enclosed postcard and returning it to me.

Pursuant to 37 C.F.R. Section 2.18, please direct all correspondence in the matter to me at the following address:

Santangelo Law Offices, P.C.  
125 South Howes, Third Floor  
Fort Collins, CO 80521

I have this 18<sup>th</sup> day of May, 2004, either myself personally or through my direction of staff at this office, deposited all of the items in the above Letter of Transmittal with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Box TTAB – NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

Dated this 18<sup>th</sup> day of May, 2004.

Respectfully Submitted,

SANTANGELO LAW OFFICES, P.C.

By: Cheryl Anderson-Siler  
Cheryl Anderson-Siler  
Attorney for Opposer  
125 S. Howes, Third Floor  
Fort Collins, CO 80521  
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