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Filing date: **09/29/2010**

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

Proceeding.	91161557
Applicant	Plaintiff Red Bull GmbH
Other Party	Defendant Osborne Distribuidora, S.A.

Motion for Suspension in View of Civil Proceeding With Consent

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Red Bull GmbH hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Red Bull GmbH has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Red Bull GmbH has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,
/Mariela P Vidolova/
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09/29/2010

CERTIFICATE OF MAILING

I hereby certify that this correspondence is filed electronically via ESSTA on September 29, 2010.

/Mariela P. Vidolova/
Mariela P. Vidolova

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

RED BULL GMBH

Opposer

v.

Osborne Distribuidora, S.A.

Applicant.

Opposition No. 91-161,557

Trademark:

**TORO OSBORNE & Black Bull
Design**

Serial No.: 76/320,629

STIPULATED MOTION TO CONTINUE THE SUSPENSION OF PROCEEDINGS

Opposer, with the consent of Applicant, hereby moves the Trademark Trial and Appeal Board to continue the suspension of the above-identified opposition proceeding pending final disposition of the foreign litigation between the parties as noted below.

In accordance with the Board's order dated March 31, 2010 Opposer's Answer to Applicant's counterclaim is due October 4, 2010 and the Discovery Period is set to close on November 27, 2010. In view of that and based on the ongoing foreign litigation between the parties as described below, the parties jointly request the continued suspension of this opposition pending final disposition of the foreign litigation. For the Board's information, the TTAB has already similarly suspended proceedings in a co-pending matter between the parties - Opposition #91-109,110 involving Opposer and a company closely related to Applicant, namely, Osborne y Compania, S.A. Opposition #91-109,110 was suspended on the same grounds as the ones presented here - awaiting final determination of the very same pending foreign civil actions between the parties as the ones specified herein. As such, similar disposition is respectfully requested in the instant case.

By way of report, the parties are attempting to resolve the United States disputes between them in conjunction and coordination with similar disputes in other foreign jurisdictions, including Europe, Latin America and Asia. Currently the parties are involved in multiple proceedings worldwide, including several oppositions in the United States, proceedings before the Austrian Trademarks Office, the European Community's Office for Harmonization in the Internal Market, as well as court proceedings in Europe. Recently, a decision for Red Bull GmbH has issued in one of the overseas court proceedings - the action in the civil court of first instance at The Hague, Netherlands. This decision has now been appealed by Osborne Distribuidora S.A. and the appeal proceeding is currently underway.

The outcome of this complex foreign litigation will undoubtedly have a significant impact on the parties with respect to their marks in the United States and elsewhere. While awaiting the results of these court proceedings, the principals would like to defer any action with respect to this US proceeding. In view of the fact that the expected decisions in the foreign litigation will have an important role in the parties' positions and desiring to reach a possible worldwide resolution, the parties seek a further suspension of the instant US opposition proceeding.

From a practical as well as judicial economy standpoint, it is reasonable to suspend this proceeding to allow the parties to defer and perhaps altogether avoid spending time, effort, and money associated with it until the aforementioned litigation is completed or resolved. This would not have an adverse effect on the Board's docket as the suspension would avoid the Board's need to consider and rule on unnecessary motions that might otherwise be made if the proceedings continue at this point. Moreover, the outcome of the above-referenced litigation may very well result in resolution of the issues here.

This stipulated motion was agreed to by Applicant's counsel Deborah Tellerman Berkowitz, of Ruden, McClosky, Smith, Schuster & Russell, P.A. in an e-mail exchange. In

jointly requesting continued suspension of the proceedings the parties are not being motivated by any desire to delay these proceedings.

It is submitted that in view of the foregoing, good cause has been shown for this Request, and it is respectfully requested that the motion be granted.

Dated: September 29, 2010

Respectfully Submitted,
RED BULL GMBH
By /Mariela P Vidolova/
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **STIPULATED MOTION TO CONTINUE THE SUSPENSION OF PROCEEDINGS** is being served electronically on September 29, 2010 on Applicant's Attorney of Record at her e-mail below by express agreement:

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