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

Proceeding	91168659
Party	Plaintiff Allied Domecq International Holdings BV
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Submission	Stipulated/Consent Motion to Reopen
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Date	12/17/2007
Attachments	Consent Motion to Reopen.pdf (4 pages)(18675 bytes)

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

ALLIED DOMECQ INTERNATIONAL HOLDINGS BV, *Opposer,* v. VODKA SLAVIANSKAYA LIMITED, *Applicant.*	Opposition No .: 91/168659 Serial No.: 78/479590

MOTION ON CONSENT TO REOPEN TRIAL DATES AND RELATED MOTION TO SUSPEND PROCEEDINGS

Opposer, Allied Domecq International Holdings BV, with the consent of Applicant, Vodka Slavianskaya Limited, respectfully submits this request to reopen the testimony period for Opposer to present its trial evidence and to suspend further action in the present proceeding for two months (until February 10, 2008).

By Order of March 5, 2007, the Board suspended further proceeding in this Opposition, noting that if there was no word from either party concerning the progress of their settlement negotiations, proceedings would resume without notice on September 6, 2007, and would be governed by the trial schedule set forth in the March 5th Order. Under that schedule, Opposer's testimony period closed on December 5, 2007.

Because of a misunderstanding as to the scheduling, Opposer did not submit any testimony during its opening trial period. This is because, in early September, Opposer and Applicant had discussed entering into a further six month suspension so as to permit

continued settlement negotiations, and Opposer believed that a suspension request had been communicated to the Board, thus resetting the trial dates for sometime in early 2008. As it turn out, though, no such request was ever filed.

Opposer's failure to present evidence in this matter was therefore due to a mere misunderstanding as to the appropriate trial schedule following the automatic resumption of the proceedings, and was not the result of willful conduct or gross neglect on the part of Opposer, nor does it represent any lost of interest by Opposer in the present case. Thus, pursuant to TBMP Section 509 and Trademark Rules 2.120 and 2.121, Opposer respectfully requests that the trial dates for the pending proceeding be reset, and that the dates for Opposer to take its trial testimony be reopened (the discovery period, however, should remain closed). Opposer submits that reopening the recently closed testimony period will not cause prejudice to Applicant, nor will it have an adverse impact on the schedule of the current proceedings. *See Pioneer Investment Services Co. v. Brunswick Assoc. Ltd. Part.*, 507 U.S. 380 (1993); *Pumpkin Ltd. v. The Seed Corps*, 43 USPQ2d 1582 (TTAB 1997); *TMBP*, §509.01(b)(1). Opposer further submits that it has acted in good faith in this matter and that it has appropriate claims against the registration of Applicant's mark. As noted above, counsel for Applicant consents to this request.

Pursuant to TBMP Section 510 and Trademark Rule 2.117, Opposer also requests that the above-referenced opposition proceeding be suspended for a further two months, subject to the right of either party to request resumption at any time. The parties continue to engage in potential settlement negotiations that, if successful, would obviate the need for a formal proceeding at the Trademark Trial and Appeal Board. Further, Opposer submits that it has shown good cause for why the proceeding should be suspended.

Accord MacMillan Bloedel Ltd. v. Arrow-M Corp., 203 USPQ 952 (TTAB 1979).[1]

Counsel for Applicant has also consented to the suspension request.

Respectfully submitted,

Date: December 17, 2007

/s/ Erik C. Kane

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Counsel for Opposer, The Chamber of Commerce of the United States of America

[1] Should the Board disagree, or should the pending *Motion on Consent to Suspend* be otherwise denied, Opposer requests in the alternative that the trial dates for the pending proceeding be reset such that they close no less than forty-five (45) days following the Board's decision on the instant motion. Opposer believes that in the event the present *Motion* is denied, the additional time requested would be needed to facilitate the orderly presentation of the evidence in this case and submits that this alternative request is not being made for the purposes of mere delay but, rather, for the good cause stated above.

CERTIFICATE OF SERVICE

I certify that the required number of copies of the foregoing *Motion On Consent To Reopen Trial Dates and Related Motion To Suspend Proceedings* was served on the parties or counsel on the date and as indicated below:

By First Class Mail (Postage Prepaid)
and Electronic Mail (by consent)

Denise I. Mroz
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Date: December 17, 2007

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