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

Proceeding	91169102
Party	Plaintiff Kelemata S.p.A.
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Submission	Motion to Suspend for Civil Action
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Date	02/10/2006
Attachments	Motion to Suspend.pdf (2 pages)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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KELEMATA, S.P.A.	:	
	:	
Opposer,	:	Serial No. 78/495,643
	:	Opposition No.
v.	:	
	:	
	:	
THE GILLETTE COMPANY,	:	
	:	
Applicant.	:	
-----X	:	

**OPPOSER’S MOTION TO SUSPEND
PROCEEDINGS PURSUANT TO TRADEMARK RULE 2.117(a)**

Kelemata, S.p.A. (hereinafter “Opposer”) hereby moves for suspension of these proceedings pursuant to Trademark Rule 2.117(a), 37 C.F.R. § 2.117(a).

In support of this Motion, Opposer submits herewith a copy of a complaint (and an English translation) filed on December 13, 2004 by Applicant The Gillette Company (hereinafter “Applicant”) against Opposer in the Civil Court of Milan, Italy, identified as case number R.G. n.r. 84148/04.

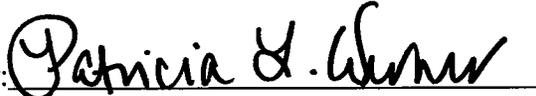
This suit is based on a 2002 worldwide Settlement Agreement between Applicant and Opposer, under which Applicant agreed “never to use, apply and register as a trademark the word VENUS as well as the trademark VENUS of Gillette alone or in combination with any other words and/or different elements, for...products falling in class 3...of the International Classification.” The Settlement Agreement provides that Italian law controls construction of the Agreement. Applicant is now asking the Civil Court of Milan

for a “fair interpretation” of the Agreement that would render the Agreement applicable only in countries where the parties owned trademark rights in the term VENUS prior to the execution of the Agreement. The ruling to be rendered by the Italian courts will determine the proper interpretation of the Settlement Agreement and whether the subject trademark application filed by Gillette violates the same.

In view of the fact the pending civil action will be dispositive of this opposition proceeding, Applicant requests suspension of these proceedings pending determination of the civil action pursuant to Trademark Rule 2.117(a), 37 C.F.R. § 2.117(a).

Dated: February 8, 2006

Respectfully submitted,

By: 

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