

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

Mailed: October 8, 2008

Opposition No. 91170556

ExxonMobil Oil Corporation

v.

Hilton Hospitality, Inc.

**Amy Matelski, Paralegal Specialist**

Applicant's consented motion to further suspend proceeding filed September 29, 2008 is noted.<sup>1</sup>

Because the parties are negotiating for a possible settlement of this case, proceedings herein are suspended until November 8, 2008, 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

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<sup>1</sup> Applicant's communication does not indicate proof of service of a copy of same on counsel for opposer as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said communication is forwarded herewith to opposer, but strict compliance with Trademark Rule 2.119 is required in all further papers filed with the Board.

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 any outstanding discovery requests. Trial dates, including the close of discovery, are reset as follows:

Proceedings resume:	11/9/08
Discovery Period to close:	3/7/09
30-day testimony period for party in position of plaintiff to close:	6/5/09
30-day testimony period for party in position of defendant to close:	8/4/09
15-day rebuttal testimony period to close:	9/18/09

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

**NEWS FROM THE TTAB:**

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>  
[http://www.uspto.gov/web/offices/com/sol/notices/72fr42242\\_FinalRuleChart.pdf](http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf)

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>

ESTTA Tracking number: **ESTTA239630**

Filing date: **09/29/2008**

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

Proceeding	91170556
Party	Defendant Hilton Hospitality, Inc.
Correspondence Address	HOLLY S. HAWKINS ALSTON & BIRD LLP 1201 W. PEACHTREE STREET ATLANTA, GA 30309-3424 UNITED STATES holly.hawkins@alston.com
Submission	Response to Board Order/Inquiry
Filer's Name	Holly S. Hawkins
Filer's e-mail	holly.hawkins@alston.com
Signature	/s/ Holly S. Hawkins
Date	09/29/2008
Attachments	Response to Inquiry - ON THE RUN BREAKFAST BAGS.pdf ( 2 pages ) (107594 bytes )

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

In the Matter of U.S. Application Serial No. 78/536222  
Mark: ON THE RUN BREAKFAST BAGS  
Filing Date: December 21, 2004

EXXONMOBIL OIL CORPORATION	)	
	)	
Opposer,	)	
	)	Opposition No. 91170556
v.	)	
	)	
HILTON HOSPITALITY, INC.	)	
	)	
Applicant.	)	

**RESPONSE TO THE BOARD'S INQUIRY**

On July 2, 2008, the Board issued an Order requesting an update on the parties' settlement negotiations in the above-referenced proceeding. Applicant hereby informs the Board that the parties have finalized the terms of their settlement agreement and are in the process of having the final settlement papers executed.

Accordingly, the parties request suspension of this action for one (1) month in order for them to finalize and file the necessary final settlement papers. Opposer's counsel has consented to this request.

Respectfully submitted,

HILTON HOSPITALITY, INC.  
By Its Attorneys  
ALSTON & BIRD LLP

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Dated: September 29, 2008

By: Holly S. Hawkins  
David J. Stewart  
Holly S. Hawkins  
ALSTON & BIRD LLP  
1201 W. Peachtree Street  
Atlanta, Georgia 30309-3424  
(404) 881-7000 – telephone  
(404) 881-7777 – facsimile

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