

ESTTA Tracking number: **ESTTA184853**

Filing date: **01/07/2008**

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

Proceeding	91171567
Party	Plaintiff Dr. Pepper/Seven Up, Inc.
Correspondence Address	Barbara A. Solomon, Esq. Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES bsolomon@frosszelnick.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Barbara A. Solomon
Filer's e-mail	bsolomon@frosszelnick.com
Signature	/Barbara A. Solomon/
Date	01/07/2008
Attachments	Motion on Consent to Suspend Opposition for 180 days (F0199915).PDF ( 4 pages )(65027 bytes )

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

-----X		
DR PEPPER/SEVEN UP, INC.,	:	
	:	
Opposer,	:	
	:	
- against -	:	Opposition No. 91/171,567
	:	
EZAKI GLICO KABUSHIKI KAISHA, d/b/a	:	
EZAKI GLICO COMPANY, LIMITED,	:	
	:	
Applicant.	:	
-----X		

**MOTION ON CONSENT TO SUSPEND OPPOSITION FOR 180 DAYS**

Opposer, with the consent of Applicant, hereby moves with good cause to further suspend the opposition proceedings for an additional one hundred and eighty (180) days which suspension should begin on January 24, 2008 when the opposition is set to resume. The extension is requested in order to allow the parties to continue settlement negotiations of their disputes in the United States and Canada. Counsel for Applicant in a letter dated November 7, 2007 attached hereto advised that it believed that an additional six (6) month suspension was necessary in order to reach settlement and consented to the requested six (6) month suspension. Pursuant to the agreement of the parties the new dates for the opposition proceeding are as follows:

Proceedings resume:	July 24, 2008
Discovery period to close:	November 21, 2008

Thirty day testimony period for party in  
position of plaintiff to close:

February 19, 2009

Thirty day testimony period for party in  
position of defendant to close:

April 19, 2009

Fifteen day rebuttal testimony period to close:

June 3, 2009

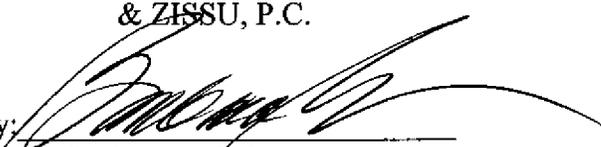
The parties have further agreed that responses to any discovery requests served prior to the filing of this motion shall be served thirty (30) days after the proceedings resume. The parties acknowledge and recognize that the proceedings may resume without further order or notification from the Board.<sup>1</sup>

For the reasons set forth above, Opposer, with the consent of Applicant, respectfully requests that the motion for suspension be granted and that the dates be reset as indicated above.

Dated: New York, New York  
January 7, 2008

FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

By:

  
Barbara A. Solomon  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900

*Attorneys For Oppose  
Dr Pepper/SevenUp, Inc.*

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<sup>1</sup> Opposer was unable to file the motion electronically because it could not provide an email address for Applicant's counsel.

PATENT & TRADEMARK OFFICES  
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07 NOV 12 AM 9:50

FZL&Z

7 November 2007

Barbara A. Solomon, Esq.  
FROSS ZELNICK LEHRMAN & ZISSU PC  
866 UN Plaza  
New York, NY 10017

Re: Opposition No. 91-171567  
SN 76/636,421 CRUSH  
Cadbury v Ezaki Glico Co, Ltd

Dear Ms. Solomon:

The latest suspension will expire in about two months  
(i.e. January 24, 2008).

We've just heard from our client that the negotiations  
with your client in Canada is still pending and that accordingly  
another six (6) month extension would probably be needed.

Thus, we will consent to another six (6) months extension  
of suspension, that is until July 24, 2008, if you wish to  
extend the suspension.

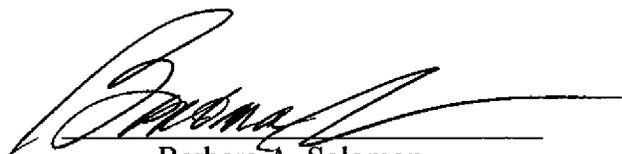
Very truly

M. KOJIMA

mk/c

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Motion on Consent to Suspend Opposition for 180 Days was served on Applicant by mailing a true copy of the same via first-class mail, postage pre-paid, to Applicant's counsel, Moonray Kojima, Esq., P.O. Box 627, Williamstown, MA 01267-0627, on January 7, 2008.

A handwritten signature in black ink, appearing to read 'Barbara A. Solomon', is written over a horizontal line.

Barbara A. Solomon