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Filing date: **07/11/2008**

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	Other Motions/Papers
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Date	07/11/2008
Attachments	Motion on Consent to Suspend Opposition for 180 Days (F0317127).PDF (4 pages)(497519 bytes)

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

In the matter of Application S.N. 76/636,421
For the mark CRUSH

-----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 July 24, 2008 when the opposition is set to resume. The parties are continuing to negotiate the terms of a multi-nation settlement that will resolve fully the issues in the opposition. Counsel for Applicant in a letter dated June 10, 2008 attached hereto agreed to a further suspension to permit those negotiations to continue. Pursuant to the agreement of the parties the new dates for the opposition proceeding are as follows:

Proceedings resume:	January 24, 2009
Discovery period to close:	May 21, 2009
Thirty day testimony period for party in position of plaintiff to close:	August 19, 2009

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

October 19, 2009

Fifteen day rebuttal testimony period to close:

December 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.

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
July 11, 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.*

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 July 11, 2008.



Barbara A. Solomon

KIA
Ezaki office

PATENT & TRADEMARK OFFICES
KOJIMA & ASSOCIATES RECEIVED

MAIL ADDRESS:
BOX 627
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Ms. B.A. Solomon, Esq.
FROSS ZELNICK LEHRMAN & ZISSU, PC
866 UN Plaza
NY, NY 10017

Re: Opposition Ezaki v. Cadbury
Your Ref: CADA USA TC-05/12756

Dear Ms. Solomon:

Thank you for your letter of June 5, 2008.

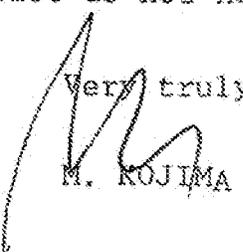
Although we assume registration would issue after filing of the affidavit of use, we are unsure as to the date thereof.

Accordingly, we think it best to extend the discovery term by another SIX (6) mnths. WE HEREBY CONSENT TO SUCH EXTENSION OF TERM.

We assume the client wants us to have first the registration in hand and then withdraw the application for CRUSH. When we do have the registration in hand we will withdraw the CRUSH application and inform you thereof to complete the arrangement.

If you have any questions, please do not hesitate to contact us.

Very truly


M. KOJIMA

MK/c