

ESTTA Tracking number: **ESTTA137383**

Filing date: **04/25/2007**

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

| | |
|------------------------|---|
| Proceeding | 91171567 |
| Party | Plaintiff Dr. Pepper/Seven Up, Inc. 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 | 04/25/2007 |
| Attachments | 91171567 Motion on Consent to Suspend Opposition for 90 days.pdf (3 pages) (49555 bytes) |

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

-----X
DR PEPPER/SEVEN UP, INC.,
Opposer,
- against -
EZAKI GLICO KABUSHIKI KAISHA, d/b/a
EZAKI GLICO COMPANY, LIMITED,
Applicant.
-----X

Opposition No. 91/171,567

MOTION ON CONSENT TO SUSPEND OPPOSITION FOR 90 DAYS

Opposer, with the consent of Applicant, hereby moves for good cause for a suspension of the opposition proceedings for ninety (90) days, or until July 24, 2007, in order to allow the parties to continue settlement negotiations. Discovery in this case currently closes on July 1, 2007. Pursuant to the consented to suspension, the new dates for the opposition proceeding are as follows:

| | |
|--|-------------------|
| Proceedings resume: | July 24, 2007 |
| Discovery period to close: | November 21, 2007 |
| Thirty day testimony period for party in position of plaintiff to close: | February 19, 2008 |
| Thirty day testimony period for party in position of defendant to close: | April 19, 2008 |
| Fifteen day rebuttal testimony period to close: | June 3, 2008 |

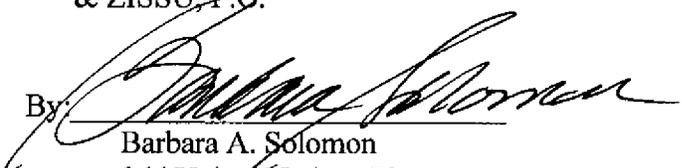
The parties have further agreed that responses to any discovery requests served prior to the filing of this motion shall be served thirty (30) days after the proceedings resume. The parties acknowledge and recognize that the proceedings may resume without further order or notification from the Board.¹

Opposer, by its counsel, requested the consent of Applicant to the ninety (90) day suspension by letter dated April 23, 2007. Applicant's counsel advised Opposer's counsel in a telephone conversation on April 24, 2007 that the ninety (90) day suspension was acceptable.

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
April 25, 2007

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 

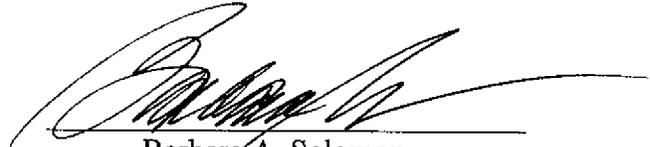
Barbara A. Solomon
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New York, New York 10017
(212) 813-5900

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

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

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion on Consent to Suspend Opposition for 90 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 April 25, 2007

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

Barbara A. Solomon