

GOTTLIEB RACKMAN & REISMAN, P.C.

Memo From the Desk of:



Maria A. Savio

January 18, 2007

*To: Commissioner of Trademarks
Box TTAB - No Fee
P.O. Box 1451
Alexandria, VA 22313-1451*

*Re: Request for Suspension of Opposition
Dated: January 17, 2007*

Message:

We are resubmitting the attached Request for Suspension of Opposition. The TARR record was previously not attached.

Respectfully submitted,

*Maria A. Savio
Attorney for Opposer*

this opposition and the Board issued a scheduling order and set January 28, 2007 as Applicant's time to answer. Applicant has thus not yet answered the opposition.

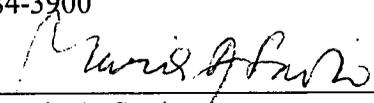
If Tof's petition is granted and the denial of the letter of protest is reversed, this opposition may become moot in that the Examiner will first need to revisit the propriety of allowing the application. Accordingly, Tof respectfully requests that this opposition be suspended pending a decision on Tof's petition and, if the letter of protest is granted, pending the further disposition of the application. Suspension will avoid unnecessary pleadings and proceedings and will administratively be most efficient.

The Board may suspend an opposition pending the disposition of another Board proceeding involving the party which may have a bearing on the case or for good cause. See 37 CFR §2.117(a) and (c). Clearly, a decision reversing the denial of the letter of protest may render the opposition unnecessary and thus has a direct bearing on the case. It is appropriate for the Board to suspend an opposition pending a decision on a petition. See TBMP §510.03(a). Moreover, oppositions are routinely suspended pending the outcome of letters of protest. See TBMP §215. It is thus also appropriate for the Board to exercise its discretion to suspend this opposition when the erroneous determination in a letter of protest is being revisited by petition. Suspension of this opposition is respectfully requested.

Dated: New York, New York
January 17, 2007

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.
Attorneys for Opposer
270 Madison Avenue
New York, New York 10016-0601
(212) 684-3900

By: 

Maria A. Savio
Yuval H. Marcus

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-01-17 15:10:29 ET

Serial Number: 78514754 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark



Standard Character claim: No

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2006-12-19

Filing Date: 2004-11-10

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 111

Attorney Assigned:
ERVIN INGA MARIE Employee Location

Current Location: 450 -Petitions Office

Date In Location: 2006-11-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CELLI S.p.A.

Address:
CELLI S.p.A.
Via Rovereta, 34, Fraz Cerasolo AUSA
47852 Coriano (RN)
Italy

Legal Entity Type: Joint Stock Company
State or Country Where Organized: Italy

GOODS AND/OR SERVICES

International Class: 011

Class Status: Active

Columns and faucets for drawing beer and other drinks; refrigerated beverage dispensing units

Basis: 1(a)

First Use Date: 1993-05-15

First Use in Commerce Date: 1994-02-10

ADDITIONAL INFORMATION

Description of Mark: The mark consists of the design of a three-dimensional column for drawing beer and other beverages, the column having generally the shape of a cobra snake rearing up as if to strike.

Section 2(f)

Design Search Code(s):

12.03.04 - Faucets and fittings; Heads, shower; Shower heads; Spigots; Valves, water

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-12-19 - Opposition instituted for Proceeding

2006-10-05 - Assigned To Petition Staff

2006-08-01 - Petition To Director Received

2006-08-14 - Extension Of Time To Oppose Received

2006-08-01 - PAPER RECEIVED

2006-08-08 - Published for opposition

2006-08-04 - FAX RECEIVED

2006-07-19 - Notice of publication

2006-06-16 - Withdrawn From Pub - MPU Request

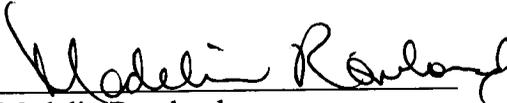
2006-05-24 - Law Office Publication Review Completed

2006-05-19 - Assigned To LIE
2006-05-03 - Approved for Pub - Principal Register (Initial exam)
2006-05-02 - Previous allowance count withdrawn
2006-05-01 - Withdrawn From Pub - Og Review Query
2006-04-03 - Law Office Publication Review Completed
2006-03-31 - Assigned To LIE
2006-03-28 - Approved for Pub - Principal Register (Initial exam)
2006-03-23 - Examiner's Amendment Entered
2006-03-23 - EXAMINERS AMENDMENT E-MAILED
2006-03-23 - Examiners Amendment -Written
2006-03-08 - NON-FINAL ACTION E-MAILED
2006-03-08 - Non-Final Action Written
2006-03-03 - Previous allowance count withdrawn
2006-02-28 - Withdrawn From Pub - Og Review Query
2006-02-07 - Law Office Publication Review Completed
2006-01-27 - Assigned To LIE
2006-01-17 - Approved for Pub - Principal Register (Initial exam)
2005-12-28 - Teas/Email Correspondence Entered
2005-12-15 - Communication received from applicant
2005-12-15 - TEAS Response to Office Action Received
2005-06-17 - Non-final action e-mailed
2005-06-17 - Non-Final Action Written
2005-06-15 - Assigned To Examiner
2004-11-16 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Trademarks, Box TTAB - No Fee, P.O. Box 1451, Alexandria, VA 22313-1451, on January 17, 2007.


Madelin Rowland

CERTIFICATE OF SERVICE

I hereby certify that a copy of the REQUEST FOR SUSPENSION OF OPPOSITION was served on January 17, 2007, via first class mail, postage prepaid, addressed as follows:

John P. Murtaugh, Esq.
Perne & Gordon, LLP
1801 East 9th Street, Suite 1200
Cleveland, Ohio 44114-3108


Madelin Rowland

Date 1/17/07 Att'y MAS/mr

Re: Tof S.r.L. / Celli S.p.A.

Opposition No. 91/174,635

Client/Matter (Docket) No. 5198/3 Case No. _____

S/N _____ R/N _____ P/N _____

Title or Description of Enclosures Request for Suspension of
Opposition; Certificate of Mailing dated 1/17/07; Certificate
of Service to John P. Murtaugh, Esq., counsel for Applicant,
dated 1/17/07.

The stamp of the Patent Office mailroom hereon indicates receipt of the identified document(s) on the date of such stamp.

Gottlieb, Rackman & Reisman, P.C.