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

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TOF S.r.L.,		:	
	Opposer,	:	
		:	Opposition No. 91/174,635
-against-		:	
		:	
CELLI S.p.A.,		:	
	Applicant.	:	
-----X		:	

01-22-2007
U.S. Patent & TMO/TM Mail Rcpt Dt. #32

REQUEST FOR SUSPENSION OF OPPOSITION

Opposer ToF S.r.L. (hereinafter "ToF") respectfully requests that the captioned opposition be suspended pending the disposition of a petition that ToF filed on August 1, 2006 to reverse a decision of the Administrator for Trademark Classification and Practice which denied a letter of protest filed by ToF in connection with the opposed application. The procedural posture of this opposition is as follows (See TARR record attached):

Well prior to the time that the opposed application was published but after the initial examination of the application, ToF filed a letter of protest requesting that the mark of the application be refused registration on grounds similar to those now alleged in the opposition. Thereafter, the Administrator issued a decision denying the letter of protest. Upon learning of same, ToF filed a petition seeking a reversal of the denial pursuant to 37 CFR §2.146(a)(3). The petition has been pending since August 1, 2006 and has yet to be decided.

The application that is the subject of this opposition proceeding was thus published on August 8, 2006. ToF sought and obtained a 90 day extension of time to file its opposition. Since the petition had yet to be decided prior to the expiration of the extended deadline to oppose, ToF filed

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.

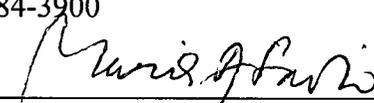
The Board may suspend an opposition pending the disposition of another Board proceeding involving the party which may have a bearing on the case or for good cause. See 37 CFR §2.117(a) and (c). Clearly, a decision reversing the denial of the letter of protest may render the opposition unnecessary and 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,

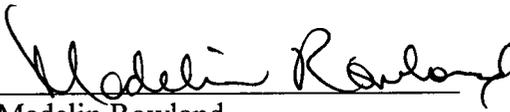
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By: _____


Maria A. Savio
Yuval H. Marcus

CERTIFICATE OF MAILING

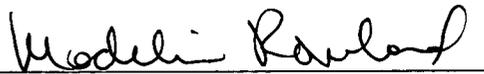
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Trademarks, Box TTAB - No Fee, P.O. Box 1451, Alexandria, VA 22313-1451, on January 17, 2007.


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.
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Madelin Rowland