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

Proceeding	91187042
Party	Defendant ZENTIS GmbH & Co. KG
Correspondence Address	STEVEN E. KLEIN STOEL RIVES LLP 900 SW 5TH AVE STE 2600 PORTLAND, OR 97204-1268 UNITED STATES seklein@stoel.com, tmpdx@stoel.com, PPHARTIGAN@stoel.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Steven E. Klein
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Signature	/Steven E. Klein/
Date	01/20/2009
Attachments	91187042 - Renewed Consent Motion to Suspend.pdf (4 pages)(13274 bytes)

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

In the Matter of Trademark Application Serial No. 77/230,379
For the mark belFRUIT
Published in the Official Gazette of June 24, 2008

UNIFINE F & Bi B.V.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91187042
)	
ZENTIS GmbH & Co. KG,)	
)	
Applicant.)	
)	

RENEWED MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

Applicant ZENTIS GmbH & Co. KG, with the consent of Opposer UNIFINE F & Bi B.V., hereby renews its motion for suspension for settlement with consent, and sets out the following additional grounds in support:

The opposed application Serial No. 77/230,379, seeks registration of the mark belFRUIT pursuant to Sections 44(d) and (e) of the Trademark Act. The application relies on Applicant's ownership of German application number 307 04 448.3, filed 01/19/2007, and German registration number 307 04 448, registered 05/29/2007 (collectively, the "Base Application").

On September 28, 2007, Opposer's predecessor in interest, Koninklijke Coöperatie Cosun U.A, filed an opposition in the German Patent and Trademark Office to the Base Application on the grounds of Opposer's prior registration for the mark FRUIBEL, the same mark asserted by Opposer here.

On October 23, 2008, Opposer's predecessor in interest also filed an opposition in the European Union's Office of Harmonization in the Internal Market ("OHIM") to Applicant's Community Trademark ("CTM") application number 5721634 to register the belFRUIT mark, which application also claims priority under the Base Application.

Opposer has assumed prosecution of the German and CTM oppositions, which are both currently pending. This opposition is the third proceeding concerning the same marks commenced by Opposer.

The parties are currently engaged in ongoing discussions to settle their dispute on a worldwide basis. These discussions are being conducted between the parties' representatives in Europe, where both parties are based.

The parties agree that given the multi-jurisdictional nature of the parties' dispute, settlement of the U.S. dispute separate and apart from the German and OHIM disputes is unlikely. The parties further agree that, in light of the ongoing discussions between the parties' European representatives, it would be inefficient and duplicative for the parties' U.S. counsel to engage in parallel settlement discussions.

Accordingly, the parties request that this proceeding be suspended for 90 days to allow the parties to continue their settlement efforts and that all dates be reset accordingly. Reset dates are as follows:

Time to Answer :	CLOSED
Deadline for Discovery Conference :	04/30/2009
Discovery Opens :	04/30/2009
Initial Disclosures Due :	06/01/2009
Expert Disclosure Due :	09/27/2009
Discovery Closes :	10/27/2009
Plaintiff's Pretrial Disclosures :	12/11/2009
Plaintiff's 30-day Trial Period Ends :	01/25/2010

Defendant's Pretrial Disclosures : 02/09/2010
Defendant's 30-day Trial Period Ends : 03/26/2010
Plaintiff's Rebuttal Disclosures : 04/10/2010
Plaintiff's 15-day Rebuttal Period Ends : 05/10/2010

ZENTIS GmbH & Co. KG has secured the express consent of UNIFINE F & Bi B.V., through its counsel, Mr. David Kirschstein, for the suspension and resetting of dates requested herein.

ZENTIS GmbH & Co. KG has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board:

dbk@kirschsteinlaw.com	(Counsel for Opposer)
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seklein@stoel.com	(Counsel for Applicant)

DATED: January 20, 2009

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing RENEWED MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT on the following-named persons on the date indicated below by mailing with postage prepaid to said persons a true copy thereof, contained in a sealed envelope, addressed to said person at their last-known address indicated below:

David B. Kirschstein
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Counsel for Opposer

DATED: January 20, 2009

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