

ESTTA Tracking number: **ESTTA345053**

Filing date: **04/30/2010**

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

| | |
|------------------------|---|
| Proceeding | 91191712 |
| Party | Plaintiff KELLOGG NORTH AMERICA COMPANY |
| Correspondence Address | Lisabeth H. Coakley Harness, Dickey & Pierce, P.L.C. 5445 Corporate Drive, Suite 200 Troy, MI 48098 UNITED STATES coakley@hdp.com, tjcomparoni@hdp.com |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Lisabeth H. Coakley |
| Filer's e-mail | coakley@hdp.com, tjcomparoni@hdp.com |
| Signature | /lhc/ |
| Date | 04/30/2010 |
| Attachments | 91191712 TONY 262 043010.pdf (2 pages)(52325 bytes) |

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

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|-------------------------------|---|-------------------------|
| Kellogg North America Company |) | |
| Opposer, |) | |
| |) | Opposition No. 91191712 |
| v. |) | Serial No. 77/454574 |
| |) | Mark: TONY |
| Tainan Enterprises Co., Ltd. |) | |
| Applicant. |) | |
| _____) | | |

CONSENTED MOTION TO SUSPEND PROCEEDINGS

Opposer, Kellogg North America Company, respectfully requests these proceedings be suspended for a period of ninety (90) days in order to allow the parties additional time to pursue settlement in this matter subject to the right of either party to request resumption at any time. M. Scott Alprin, counsel for applicant, has consented to this Motion to Suspend.

Since this request is made for good cause and not made for purposes of delay, and since the initial discovery conference has previously been conducted, it is respectfully requested that proceedings be suspended and discovery and trial dates be reset as indicated below:

| | |
|--|----------|
| Proceedings Resume | 08/01/10 |
| Discovery Opens | 08/31/10 |
| Initial Disclosures Due | 09/30/10 |
| Expert Disclosures Due..... | 01/28/11 |
| Discovery Closes | 02/27/11 |
| Plaintiff's Pretrial Disclosures | 04/13/11 |
| Plaintiff's 30-Day Trial Period Ends | 05/28/11 |
| Defendant's Pretrial Disclosures..... | 06/12/11 |

Defendant's 30-Day Trial Period Ends..... 07/27/11

Plaintiff's Rebuttal Disclosures 08/11/11

Plaintiff's 15-Day Rebuttal Period Ends..... 09/10/11

Respectfully submitted,

Date: April 30, 2010

By: 

Lisabeth H. Coakley, Esq.
Elizabeth K. Brock, Esq.
Harness, Dickey & Pierce, P.L.C.
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Attorneys for Kellogg North America
Company

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Consented Motion to Suspend Proceedings** has been served, by agreement, via e-mail address to trademarks@alprinlaw.com and salprin@rabinberdo.com on April 30, 2010.



Timothy J. Comparoni