

ESTTA Tracking number: **ESTTA444077**

Filing date: **12/01/2011**

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

Proceeding	91202089
Party	Defendant Eli Lilly and Company
Correspondence Address	ROBERT E LEE JR ELI LILLY AND COMPANY LILLY CORPORATE CENTER INDIANAPOLIS, IN 46285-0001 UNITED STATES trademarks@lilly.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Peter J. Lynfield
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Signature	/Peter J. Lynfield/
Date	12/01/2011
Attachments	TTAB Proceeding No 91202089 Consented Motion to Suspend Dec 1 11.pdf.pdf ( 2 pages )(342743 bytes )

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

Serial No. 85/201,343

Proceeding No. 91202089

Filed: December 1, 2011

Forest Laboratories, Inc.

Mark: VYBRIA

v.  
Eli Lilly and Company

CONSENTED MOTION TO SUSPEND

Applicant's Answer in the above-identified proceedings was due on November 23, 2011. Applicant hereby requests a 60-day extension and suspension of the proceedings. The failure to timely file an Answer was not due to any intention to abandon this matter but rather because the parties have already resolved it via settlement. Thus the suspension would allow the parties time to terminate the proceedings via a Stipulation.

Opposer has consented to this request.

Dated: New York, New York  
December 1, 2011

Respectfully Submitted,  
ABELMAN, FRAYNE & SCHWAB

By: \_\_\_\_\_

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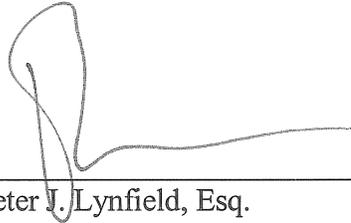
Fax: (212) 949-9190

Attorneys for Applicant/Defendant Eli Lilly and  
Company

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **CONSENTED MOTION TO SUSPEND** was served by first class mail, postage prepaid this 1st day of December, 2011 upon the following:

Christopher Serbagi, Esq.  
The Serbagi Law Firm, P.C.  
488 Madison Avenue, Suite 1120  
New York, New York 10022

A handwritten signature in black ink, appearing to read "Peter J. Lynfield", is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long horizontal stroke extending to the right.

Peter J. Lynfield, Esq.