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

Simon & Schuster, Inc.	:	
Opposer,	:	**Opposition No. 118, 923**
v.	:	
Bella Nico, Inc.	:	
Applicant	:	02-11-2004

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #78

MOTION FOR STAY OF PROCEEDINGS
OR, IN THE ALTERNATIVE, FOR AN EXTENSION

Opposer, by its attorney, hereby moves for a stay of these proceedings pending the resolution of a civil action between the parties, which Opposer intends to initiate in United States District Court within approximately two weeks. In the alternative, Opposer moves for an extension of the discovery deadline (currently February 11, 2004) for 30 days so that it may (i) file the aforementioned civil action in federal court and (ii) then seek a stay of proceedings based on that filing pursuant to 37 C.F.R. § 2.117(a).

As grounds in support of this motion, Opposer asserts that the parties, through their attorneys, have been engaged in settlement negotiations for over two years; that such negotiations have failed to lead to a settlement; that on December 18, 2003 the TTAB granted Opposer's consented-to motion to extend discovery and trial dates, but that discovery has not yet begun due to the settlement negotiations that have taken place to date; that Applicant has manufactured, sold, promoted and distributed goods bearing trademarks owned by Opposer in interstate commerce, in violation of Opposer's rights in said marks; that Opposer intends to

initiate a civil action to redress, *inter alia*, the infringement of its trademark rights, unfair competition and dilution of its trademarks; and that this civil action will resolve issues dispositive of these proceedings.

Counsel for Opposer has not been able to reach Counsel for Applicant in order to attempt to obtain consent to this motion.

Respectfully submitted,

Simon & Schuster, Inc.

By _____
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Attorneys for Opposer
Simon & Schuster, Inc.

DATED: New York, New York
February 11, 2004

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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Opposer, :

Opposition No. 118, 923

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CERTIFICATE OF MAILING BY EXPRESS MAIL

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I certify that this MOTION FOR STAY OF PROCEEDINGS OR, IN THE ALTERNATIVE, FOR AN EXTENSION (re Opposition No. 118,923) by Opposer Simon & Schuster, Inc. is being deposited with the United States Postal Office, postage prepaid, "Express Mail Post Office to Addressee" service in an envelope addressed to: Commissioner for Trademarks, Box TTAB - No Fee, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on the date indicated below.

Mailing Date: February 11, 2004

Signature: _____

CERTIFICATE OF SERVICE

Label number: EL843530237US / EL843530245US

I certify that a true copy of this MOTION FOR STAY OF PROCEEDINGS OR, IN THE ALTERNATIVE, FOR AN EXTENSION (re Opposition No. 118,923) by Opposer Simon & Schuster, Inc. is being deposited with the United States Postal Office, postage prepaid, "Express Mail Post Office to Addressee" service in an envelope addressed to Applicant's Attorneys, Wayne M. Skwarek, Esq. of Huck, Bouma, Martin, Jones & Bradshaw PC, 1755 S. Naperville Road, Suite 200, Wheaton, Illinois 60187, and Dennis M. McWilliams, Esq. of Lee, Mann, Smith, McWilliams, Sweeney & Ohlson, 209 S. LaSalle St., Suite 410, Chicago, Illinois 60604 on the date indicated below.

Mailing Date: February 11, 2004

Signature: _____

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