

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

PRAMIL S.R.L. (ESAPHARMA))
)
 Petitioner,)
)
 v.)
)
 MITCHELL COSMETICS SARL,)
)
 Applicant.)

Opposition No. 122,317
Mark: REGGE LEMON

**APPLICANT'S MOTION TO SUSPEND PROCEEDINGS
AND TO POSTPONE ORAL ARGUMENT,
REQUEST FOR TELEPHONE CONFERENCE, AND
REQUEST FOR EXPEDITED BRIEFING AND CONSIDERATION**

Applicant, Mitchell Cosmetics SARL, respectfully moves pursuant to 37 C.F.R. §2.117 and section 510.03(a), Trademark Trial and Appeal Board Manual of Procedure, for the suspension of this proceeding and the postponement of oral argument, scheduled for Tuesday, April 6, 2004, on the ground that the Applicant and the representatives of the Petitioner have reached an agreement that will result in a settlement of the claims asserted in this opposition proceeding. Because the scheduled oral argument is only six days away, Applicant requests that the Board resolve this matter by telephone conference pursuant to 37 C.F.R. §2.120(i)(1) and section 502.06, Trademark Trial and Appeal Board Manual of Procedure, or that the Board require expedited briefing, and expedite its consideration of this motion.

On September 8, 2003, certain parties including the Applicant here, Mitchell Cosmetics SARL, and International Cosmetics Exchange, Inc. (known as I.C.E.), I.B.E. Cosmetics, Inc., Jacob Aini and Michael Aini, entered into a Global Settlement Agreement that set forth

agreements reached regarding a number of contested marks. With regard to the mark at issue here, the Global Settlement Agreement provides:

“REGGE LEMON” and “OMIC” Trademarks. These trademarks are not part of this agreement, and will be a part of a separate settlement agreement with the interested parties. The parties contemplate joint ownership of these marks by a newly formed a Florida holding company, which will license manufacture of the products bearing these marks with GHB [Gapardis Health & Beauty, Inc.], and license exclusive distribution of said products to IBE Florida [International Beauty Exchange, Inc].

Although Opposer Pramil S.R.L. (Esapharma) is not a signing party to the Global Settlement Agreement, its United States agents are. According to the testimony submitted by Opposer in this proceeding, its claimed use of the mark in U.S. commerce is solely through its exclusive United States distributors, I.C.E. and I.B.E. See Brief of Opposer, pp. 1-2, 4, 5. All of the evidence submitted by Opposer in this proceeding was submitted through officers of I.C.E., Jacob Aini and Michael Aini. All of these agents are parties to the Global Settlement Agreement.

Opposer's exclusive U.S. distributors and the Applicant have agreed to “joint ownership” of the subject mark through a holding company, and have agreed in concept to the licensing of manufacturing and distribution. All that remains is the execution of this plan. Accordingly, there is no reason for this opposition to proceed, and this proceeding should be suspended pending the implementation of the parties' agreement. Further, the oral argument currently scheduled for April 6, 2004, should be postponed.

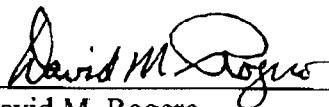
Section 2.117 of the Rule of Practice in Trademark Cases, 37 C.F.R. Part 2, provides that the Board may suspend proceedings for good cause upon a motion of a party. Typically, the Board will suspend proceedings due to settlement negotiations between the parties. Here, the cause for suspension is more compelling – an agreement has been reached between the Applicant

and the exclusive U.S. distributors of the Opposer that will result in a resolution of this proceeding.

The Opposer was invited to join in a request for suspension of this proceeding, but its attorney, Donald Dennison, declined.

Dated: March 31, 2004.

Respectfully submitted,



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Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Applicant's Motion to Suspend Proceedings and to Postpone Oral Argument was sent by facsimile transmission and by first class mail with proper postage affixed, the 31st day of March, 2004, to the following counsel:

Donald L. Dennison
Attorney for Pramil S.R.L. (Esapharma)
Dennison, Schultz & Dougherty
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TO: Nancy Omelko, Esq.
TTAB

FAX NUMBER: 703-~~746~~-7111 ³⁰⁸⁻⁹³³³

FROM: DAVID M. ROGERO, ESQ.

OUR REFERENCE: 3135.002

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Re: Pramil S.R.L. (Esapharma) v. Mitchell Cosmetics SARL
Opposition No. 122,317
Mark: REGGE LEMON

Dear Ms. Omelko:

Attached is a copy of Applicant's Motion to Suspend Proceedings and to Postpone Oral Argument, Request for Telephone Conference, and Request for Expedited Briefing and Consideration, which has been electronically filed today.

David M. Rogero

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