

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

PRAMIL S.R.L. (ESAPHARMA),]	
Opposer,]	
]	
v.]	Opposition # 91122317
]	
MITCHELL COSMETICS SARL,]	
Applicant.]	
]	

OPPOSITION BY OPPOSER TO APPLICANT'S
MOTION TO SUSPEND

Counsel for the Applicant has moved on this eleventh hour to suspend the Oral Hearing in this case set for Tuesday, April 6, 2004. Applicant's counsel knew full well the details of the Global Settlement Agreement many months ago and in fact agreed to the scheduled date for the hearing.

Opposer strongly objects to any suspension of this hearing and has conveyed that Applicant's counsel by facsimile. There is no compelling reason for further delay in this case. TBMP §802.03 "...absent compelling circumstances, a hearing date will not be changed if the request for rescheduling is made within two weeks of the scheduled hearing

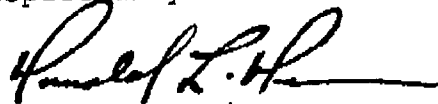
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date unless both parties agree to the change". Such is not the case here.

Applicant seems to be relying upon a Global Settlement Agreement dated September 8, 2003. The Opposer here was not a party to that Agreement and is not bound by any of the terms therein. The Agreement mentions the trademark REGGE LEMON, but states that "The parties contemplate joint ownership ... by a newly formed Florida holding company." To the knowledge of the undersigned, such company has not been formed and as noted above, the Opposer is not a party to such Agreement.

Accordingly, the Motion should be summarily dismissed.

Respectfully submitted,



Donald L. Dennison
Dennison, Schultz, Dougherty &
Macdonald
Attorneys for Opposer

April 2, 2004

CERTIFICATE OF SERVICE

This is to certify that a copy of the above Opposition to Applicant's Motion to Suspend was sent by facsimile to counsel for Applicant, David M. Rogero, Facsimile No. (305)460-4099 this 2nd day of April, 2004.



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