

TIAB

TRADEMARK

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



In the Matter of: Application Serial No. 75/682,226

Published in the *Official Gazette* on July 11, 2000

11-17-2003

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #66

HSS HIRE SERVICE GROUP PLC,)
)
 Opposer,)
)
 v.)
)
 THE HOME SERVICE STORE, INC.)
)
 Applicant.)

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.

Lawrence H. Meier 11/13/03
 Lawrence H. Meier Date

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Opposition No.: 124,556

Date: November 13, 2003

THIRD MOTION FOR SUSPENSION OF PROCEEDINGS TRANSMITTAL

Enclosed is a Third Motion for Suspension of Proceedings and Setting of Discovery, Testimony and Briefing Schedules, Made on Stipulation of Parties.

Please charge any additional fees or credit any overpayment to Deposit Account No. 04-1588. A copy of this sheet is enclosed.

Respectfully submitted,

DOWNS RACHLIN MARTIN PLLC

By: *Lawrence H. Meier*
Lawrence H. Meier

BTv.224053.1

Law Offices of
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199 Main Street
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Opposer, that the TTAB set appropriate new discovery, testimony and briefing schedules for the Proceedings, at the end of the suspension, should the disputes between the parties not be resolved by that time.

Applicant submits that its motions should be granted by the TTAB because the parties have renewed settlement discussions and believe that there is a reasonable chance to settle this matter if given more time. If the disputes are not resolved, Applicant and Opposer can resume the Proceedings once the suspension has ended, in accordance with revised discovery, testimony, and briefing deadlines.

This is the third request for a suspension of Proceedings jointly requested by Applicant and Opposer. Applicant submitted the second request on April 15, 2003. A copy of the May 13, 2003 TTAB decision granting the request is attached hereto as **Exhibit A**.

At the time the first request for suspension was submitted, Applicant began considering other trademarks to potentially replace the trademark primarily at issue in these matters (i.e., HSS with design: Serial No. 75/682,226). In this regard, on December 23, 2002, Applicant filed an application to register HOME ALLIANCE with the United States Patent and Trademark Office ("USPTO") (Serial No. 78/197,237). The parties felt that suspension of the Proceeding during the last six month period, i.e., the second suspension period, was needed to allow Applicant to confirm that its HOME ALLIANCE mark was worthy of registration on the Principal Register and would pass from publication to registration without challenge. Just recently, Applicant has determined that it would like to continue using its HSS mark. As a result the parties need additional time to revive prior settlement discussions relative to Applicant's use and registration of the HSS mark. The parties have committed to one another that they will diligently pursue settlement in the coming weeks.

Applicant notes that any changes to its branding strategies are the result of factors outside the scope of the Proceedings, and should not be considered any admission by Applicant of any fact or legal position whatsoever with respect to the Proceedings.

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Opposer's attorney, Katheryn Jarvis Coggon, consented to the submission of these motions and the relief requested herein by email on November 12, 2003. A copy of the email from Ms. Katheryn Jarvis Coggon is attached hereto as **Exhibit B**.

Respectfully submitted,

DOWNS RACHLIN MARTIN PLLC
Attorneys for Applicant

By: *Lawrence H. Meier*
Lawrence H. Meier

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing THIRD MOTION FOR SUSPENSION OF PROCEEDINGS AND SETTING OF DISCOVERY, TESTIMONY AND BRIEFING SCHEDULES, MADE ON STIPULATION OF PARTIES, has been sent via First Class Mail, postage-paid this 13th day of November, 2003, to Katheryn Jarvis Coggon, Esq., Holme Roberts & Owen LLP, 1700 Lincoln Street, Suite 41009, Denver, CO 80203, Attorneys for Opposer.

Lawrence H. Meier
Lawrence H. Meier

BTV.254494.1

Exhibit A

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

RECEIVED

MAY 16 2003

DOWNS RACHLIN
& MARTIN PLLC

Johnson

Mailed: May 13, 2003

Opposition No. 91124556

HSS HIRE SERVICE GROUP PLC

v.

THE HOME SERVICE STORE, INC.

LaToya C. Johnson, Paralegal:

Applicant/petitioner's (filed April 21, 2003) to suspend proceedings is granted.

Accordingly, proceedings herein are suspended until **six months** from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations within the next six months, the Board will issue an order resuming proceedings and resetting the time for opposer/respondent to file its answer or other response to the counterclaim.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

Larry Meier

From: Katheryn Coggon [COGGONK@hro.com]
Sent: Wednesday, November 12, 2003 7:24 PM
To: Larry Meier
Subject: RE: HSS Third Motion for Suspension

Larry,

I have reviewed the Third Motion for Suspension in the HSS opposition. On behalf of HSS Hire Service Group PLC, I approve the motion as is and ask that you submit it to the TTAB for further action.

I look forward to reviewing your proposed settlement agreement in the next few weeks.

Katheryn Jarvis Coggon
Holme Roberts & Owen LLP
1700 Lincoln St., Suite 4100, Denver, Colorado 80203-4541
303.866.0408 (Direct); 303.866.0200 (Fax)
coggonk@hro.com

-----Original Message-----

From: Larry Meier [mailto:LMeier@drm.com]
Sent: Wednesday, November 12, 2003 5:10 PM
To: Katheryn Coggon
Subject: HSS Third Motion for Suspension

Katheryn,

Attached for your review and comment is a Third Motion for Suspension in the HSS opposition. Please confirm you approve of another six-month suspension on behalf of your client, HSS Hire Service Group PLC, and let me know if any changes in the Third Motion are needed.

We will submit the Motion tomorrow to the TTAB.

Larry

07977-22

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<<BTV-#254494-v1-HSS#22_3rd_Ext_for_Suspension.DOC>>

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11/12/2003