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December 2, 2005

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File: 3040-103

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22213-1451

Re: GenuOne, Inc. v. SICPA Product Security, Inc.  
Opposition No.: 151,566

Dear Sir:

We enclose for filing a Motion for Suspension and Alternatively Reply In Support of Motion for Reconsideration.

No fee is believed necessary. The Commissioner for Trademarks is hereby authorized to draw on the deposit account of Rothwell, Figg, Ernst & Manbeck, Account No. 02-2135, if a fee is deemed necessary.

Please call if there are any questions.

Very truly yours,

Anne M. Sterba

AMS/jea  
Enclosures



12-02-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #26

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

GenuOne, Inc.,

Opposer,

v.

SICPA Product Security, Inc.,

Applicant.

Opposition No. 151,566

(91151566)

**MOTION FOR SUSPENSION AND ALTERNATIVELY  
REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION**

Applicant respectfully requests that the Board suspend this case for three months.

Applicant has just learned that Opposer transferred the case to new counsel in February 2005<sup>1</sup>.

Applicant needs time to confer with Opposer's new counsel regarding settlement and/or, alternatively, resolution of the outstanding motion. Applicant's counsel will confer with Opposer's counsel and provide a further update to the Board.

If the Board grants the motion for suspension in this case, the request for reconsideration will be moot. However, in the unlikely event that the Board does not grant the motion for suspension, Applicant respectfully requests that the Board consider the following as its reply on the motion for reconsideration.

The point of Applicant's request for reconsideration is not to denigrate Opposer's prior counsel or firm. The bottom line, however, is that irrespective of what Opposer believes to be the manner of service, Opposer's answers to discovery were due – at the latest – no later than 35

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<sup>1</sup> Applicant never received a copy of Opposer's Change of Correspondence Address that was electronically filed in February 2005.

days after the discovery was served. The cases cited in the request for reconsideration are clear.

Upon receiving the discovery requests, if Opposer had a question regarding the date or manner of service, it is incumbent upon Opposer to call Applicant's counsel or the Board to resolve these questions. Instead, Opposer's counsel waited until many days after its responses last could have been due – but many days after Applicant's counsel specifically advised her of the deadline for response – to file its motion for “extension.” Under any computation system whatsoever, Opposer's motion for “extension” was not a motion for an extension that was instead a motion for reopening under Fed. R. Civ. P. 6(b)(2).

Moreover, it is particularly telling that on the thirty-fifth day after Applicant served its discovery, Opposer's counsel called Applicant's counsel to seek an extension of time to respond. During that conversation, it is Applicant's counsel's recollection that she pointed out that the requests had been served by hand. Opposer did not contest this during that telephone discussion. Nor had Opposer contested this in any papers filed with the Board. Instead, Opposer's counsel contended that even if served by hand, the responses were due 35 days after service.

Be that as it may, Applicant would like to try and resolve this case and/or this motion with Opposer's new counsel. Accordingly, Applicant requests a further suspension so that

Applicant and Opposer may confer and either resolve the entire case or the outstanding issues  
without burdening the Board.

Respectfully submitted:

SICPA Product Security, Inc.

By:



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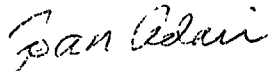
December 2, 2005

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing

**MOTION FOR SUSPENSION AND ALTERNATIVELY  
REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION**

was served on Opposer's attorney, Joseph V. Myers III, Seyfarth Shaw LLP, 1545 Peachtree  
Street NE, Suite 700, Atlanta, GA 30309-2401 by First Class mail, postage prepaid, this 2nd day  
of December, 2005.

  
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Joan E. Adair