

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

Health Valley Company,

Opposition No. 153,648

Application Serial No.: 76/292,742

Opposer,

Mark: CABSHA

-v-

Arcor S.A.I.C.,

Applicant.



04-08-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

BOX TTAB NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**JOINT MOTION TO SUSPEND OPPOSITION PROCEEDING**

Pursuant to 37 C.F.R. § 2.117(c), Applicant Arcor S.A.I.C. and Opposer Health Valley Company hereby move that the Trademark Trial and Appeal Board (the "Board") suspend the proceedings in this matter, pending settlement negotiations between the parties that may be dispositive of the issues raised in this Opposition.

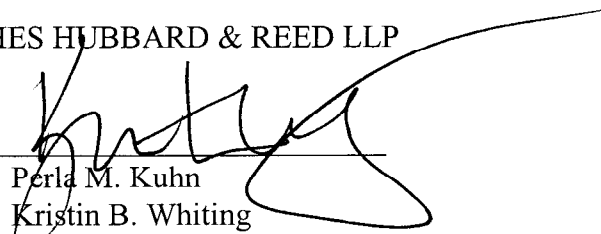
In the event that the parties are unable to conclude a settlement and this proceeding must be resumed, the parties have agreed that Applicant will respond to Opposer's First Set of Interrogatories and First Request To Applicant For Production of Documents within thirty (30) days from the mailing date of any Order resuming proceedings. In addition, the parties respectfully request that the Discovery Period close no sooner than sixty (60) days after issuance of the resumption Order, to allow the parties to complete discovery.

This motion is made in good faith and not for the purpose of delay. Counsel for Opposer, Robert W. Smith, consented to this motion in the course of an e-mail transmission dated April 5, 2004.

Dated: April 5, 2004

HUGHES HUBBARD & REED LLP

By: \_\_\_\_\_

  
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Kristin B. Whiting  
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513

on April 5, 2004  
HUGHES HUBBARD & REED LLP

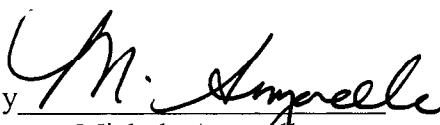
Dated: 4/5/04 By: M. Azzarello  
Name:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion To Suspend Opposition Proceeding was served on April 5, 2004 by Express Mail of the United States Postal Service, addressed as follows:

Robert W. Smith, Esq.  
McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102

Dated: New York, N.Y.  
April 5, 2004

By   
Michele Azzarello

CERTIFICATE OF MAILING

I hereby certify that an original of the foregoing Joint Motion To Suspend Opposition Proceeding is being deposited with the United States Postal Service as Express Mail in a postage prepaid envelope addressed as follows: BOX TTAB NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on April 5, 2004.

Dated: New York, N.Y.  
April 5, 2004

By   
Michele Azzarello