

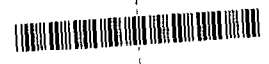
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MILTON SALES, INC.,)
)
Opposer,)
)
v.)
)
UNIVERSAL MANUFACTURING)
COMPANY, INC.,)
)
Applicant.)

Opposition No. 153,705
Serial No. 76/335,302
Mark: RACE FOR CASH



04-21-2003
U.S. Patent & TMO/TM Mail RcptDt. #11

**OPPOSER'S OBJECTION TO
APPLICANT'S MOTION TO SUSPEND PROCEEDING**

Opposer requested that Applicant extend the time for filing oppositions against marks involved in litigation between the parties in the Southern District of West Virginia, Civil Action No. 2:01-01046. Applicant never responded to the request (see Exhibits A and B).

Opposer filed letters of protest for some of the applications involved in the above civil action requesting suspension of the applications, but were denied by Jesse Marshall (Exhibit C).

The above opposition was instituted December 4, 2002. Applicant filed its answer and, then, waited until after Opposer served discovery on March 19, 2003 to request a suspension of the proceeding. Applicant waited almost five months after the proceeding was instituted to request its suspension.

Applicant claims that judicial economy and duplication of efforts require the proceeding to be suspended. Applicant's request is not well-taken given that Applicant could have granted Opposer's request for an extension to file a Notice of Opposition and saved all parties, including the Trademark Trial and Appeal Board, costs, fees, and time.

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Opposer agrees to Applicant's request for suspension, but for Applicant's obligation to respond to the discovery requests. The discovery will not duplicate any effort as the responses can be used in the proceedings before the Trademark Trial and Appeal Board, if necessary, and/or in the civil action for which no discovery has been taken. Opposer telephoned Applicant's attorney, Brian O'Donnell, on today's date and left a voice-mail message requesting Applicant to respond to the discovery requests even if the proceeding is suspended. Mr. O'Donnell did not respond to the telephone call before Opposer filed this response, which is due today. In the event Opposer's request is considered as a motion to compel, Opposer made a good faith effort to discuss the discovery responses as required by the Trademark Trial and Appeal Board rules for purposes of considering a motion to compel.

Date: April 21, 2003

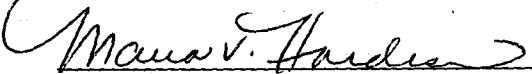
By: 

Bruce A. Tassan
Attorney for Opposer
Tassan Law Firm
4143 North 27th Street
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(703) 522-5305
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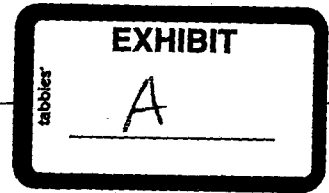
CERTIFICATE OF SERVICE

I certify that a copy of Opposer's Objection to Applicant's Motion to Suspend Proceeding was mailed, first-class, postage prepaid, this 21st day of April 2003, to:

Brian P. O'Donnell, Esq.
Jenner & Block, LLC
One IBM Plaza
Chicago, Illinois 60611


Maria v. Hardison

Bruce A Tassan



From: "Bruce A Tassan" <tm@tassan.com>
To: "Neil Greenstein" <ndg@techmark.com>
Sent: Wednesday, October 16, 2002 4:35 PM
Subject: Milton Sales

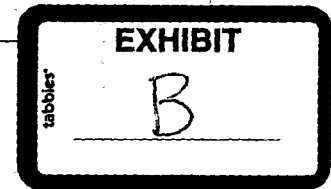
Neil:

I think you were going to call me yesterday at 3:00 p.m., but I did not hear from you or missed your call. I assume you had more important things to do. Let me know when you want to talk about the settlement proposal which we may want to do in letter form, rather than agreement form.

I have not heard from Truax/O'Donnell regarding an agreement to extend the time for opposing five of Universal's pending applications that are or will be subject of the litigation. I filed a letter of protest to avoid having to file the NOPs, but Jesse Marshal denied the requests saying the litigation does not have anything to do with "registration." I explained to her that the result would be the filing of five NOPs with the TTAB that would be immediately suspended and she said that would not make any sense and she would check into it, but she never did.

Bruce

Bruce A Tassan



From: "Bruce A Tassan" <tm@tassan.com>
To: "Neil Greenstein" <ndg@techmark.com>
Cc: "Thomas Pinson" <tompinson@miltonsales.com>
Sent: Wednesday, October 16, 2002 12:04 PM
Subject: Fw: Milton Sales v. Universal

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

From: Bruce A Tassan
To: bOdonnell@jenner.com
Cc: ttruax@jenner.com
Sent: Wednesday, October 16, 2002 11:28 AM
Subject: Milton Sales v. Universal

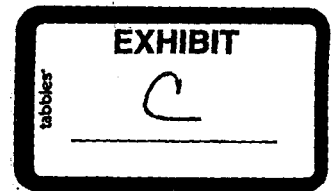
Gentlemen:

We need to file three oppositions today and two Monday against Universal's applications for marks in dispute with Milton Sales. Would you agree to an four month extension for the time to oppose, that is, until March 15, 2003, or for a shorter period?

Thank you.

Bruce Tassan
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Maria v. Hardison
Legal Assistant
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(703) 522-4583



Commissioner for Trademarks
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Arlington, VA 22202-3513
www.uspto.gov

APR - 2 2002

Bruce A. Tassan
4143 N. 27th Street
Arlington, VA 22207-5211

Re: Letter of Protest filed against Trademark Application Serial No. 76/335343 for the mark BULL DOG

Dear Mr. Tassan:

The Administrator for Trademark Classification and Practice has reviewed your Letter of Protest.(Sections 1116- 1116.02(c) of the Trademark Manual of Examining Procedure)

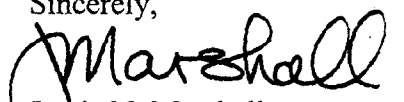
Decision: Your Letter of Protest is hereby DENIED.

An Examining Attorney may suspend an application due to pending litigation if there is a reasonable basis for such suspension, such as a refusal or notice of an intention to enter a refusal under Section 2(d) of the Trademark Act based on a registration or prior-pending application involved in the litigation. This is to show that the proceedings are clearly relevant to the registrability of the mark presented in the protested application as required by both the Trademark Rules of Practice (37. C.F.R. 2.67) and the Trademark Manual of Examining Procedure (TMEP § 1108). The protestor does not have a registration or prior-filed pending application in this Office that would raise a likelihood of confusion with the mark presented in the above-identified trademark application and involved in the referenced litigation. Therefore, it is inappropriate to suspend the protested application pending the disposition of the litigation referred to in the Letter of Protest.

Your Letter of Protest will be kept on file for two years by the Patent and Trademark Office and will not be referred to the Examining Attorney.

The denial of your Letter of Protest does not preclude you from filing an opposition to a pending application after it has published in the Official Gazette or a petition to cancel an existing registration with the Trademark Trial and Appeal Board. 37 C.F.R. Sections 2.91-2.145 You may obtain further information regarding proceedings before the Trademark Trial and Appeal Board by calling (703) 308-9300.

Sincerely,


Jessie N. Marshall
Administrator for Trademark
Classification and Practice
(703) 308-8900