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Filing date: **07/23/2004**

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

Proceeding	91155995
Party	Plaintiff Sidney Frank Importing Co., Inc
Correspondence Address	PAULETTE R. CAREY BUCHMAN & O'BRIEN, LLP 510 THORNALL STREET, SUITE 200 EDISON, NJ 08837
Submission	Opposer's Motion to Suspend Proceedings
Filer's Name	Paulette R. Carey
Filer's e-mail	prcarey@buchmanlaw.com
Signature	/prc/
Date	07/23/2004
Attachments	20040723153808950.pdf (9 pages)

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

In the Matter of Application Serial No. 76/074330

Published in the Official Gazette of January 28, 2003 at P. TM 432

SIDNEY FRANK IMPORTING CO., INC.

Opposer,

vs.

STICHTING LODESTAR,

Applicant,

Opposition No.
91155995

OPPOSER'S MOTION TO SUSPEND PROCEEDINGS

Pursuant to 37 CFR § 2.117(c) and TBMP Section 510.03(a), Opposer, Sidney Frank Importing Co., Inc., moves this Board to suspending proceedings for three (3) months.

In a letter dated June 10, 2004 (Exhibit A) Applicant, through its attorneys, presented a settlement offer. Opposer's attorney responded in a letter dated July 13, 2004 (Exhibit B) informing Applicant that Opposer was negotiating with a third party regarding the sale of the GREY GOOSE trademarks which form the basis of the opposition proceedings. Further, Opposer suggested that the proceeding be suspended pending assignment of the trademarks. Thereafter, Opposer's successor-in-interest would be in a position to consider Applicant's settlement offer. Opposer requested that Applicant consent to such suspension; however, no response was received.

By letter dated July 20, 2004 (Exhibit C) attorney for Opposer repeated the request that Applicant consent to a suspension. In a letter dated July 23, 2004 (Exhibit D) Applicant refused to consent to a suspension; however, repeated its offer of settlement.

Although Applicant has refused to consent to the requested extension, Applicant continues to proffer its offer of settlement. Opposer's testimony period is scheduled to open on July 26, 2004; therefore, Opposer requests that the Board suspend these proceedings for three (3) months. During such time Opposer expects to complete the assignment of the GREY GOOSE trademarks. Thereafter, Opposer's successor-in-interest will consider Applicant's pending settlement offer, possibly rendering these proceedings moot.

In the alternative, Opposer requests that Opposer's testimony period, and all other trial dates, be reset.

Dated: Edison, New Jersey

July 23, 2004

Respectfully submitted,
BUCHMAN LAW FIRM, LLP
Attorneys for Opposer

By:

Paulette R. Carey
Paulette R. Carey
510 Thornall St., Suite 200
Edison, NJ 08837
(732) 632-6060

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2004, I served the foregoing Motion to Suspend Proceedings by delivering a copy to the United States Postal Service, for First Class Mail delivery in an envelope addressed to:

Gary J. Nelson
Christie, Parker & Hale, LLP
350 West Colorado Blvd.
Pasadena, CA 91109-7068


Lindsey Farina-Bowlin



PASADENA OFFICE

350 W. Colorado Blvd., Suite 500
Pasadena, CA 91105

Post Office Box 7068
Pasadena, CA 91109-7068

E-mail: info@cph.com

Tel: (626) 795-9900 • Fax: (626) 577-8800

June 10, 2004

By facsimile with confirmation by mail
(732) 632-8760

Paulette R. Carey
BUCHMAN LAW FIRM
510 Thornall Street
Suite 200
Edison, NJ 08837

Re: Trademark Opposition Entitled
Sidney Frank Importing Co., Inc. v. Stichting Lodestar
Opposition No. 91155995 (WILD GEESE)
CPH Ref. S307:110.2*5

Dear Ms. Carey:

We are in receipt of the United States Trademark Trial and Appeal Board's May 27, 2004 order denying the Motion to Compel filed by Sidney Frank Importing Co., Inc. ("Sidney Frank").

In this regard, we note that Sidney Frank's Testimony Period is set to run from July 26, 2004 through August 25, 2004.

We would also like to take this opportunity to re-submit the latest settlement offer made by Stichting Lodestar. In an effort to appease the concerns raised by Sidney Frank, Stichting Lodestar presents the following settlement outline for consideration:

- * Stichting Lodestar is willing to delete vodka and gin from the goods description of its pending WILD GEESE trademark application;
- * Stichting Lodestar is willing to agree to always include the WILD GEESE trademark on the same label that contains the image of flying geese;
- * Stichting Lodestar is willing to agree to always keep the biggest bird in the "flying flock" image on the right side of its label, as opposed to the left side as depicted in the "flying flock" image appearing on the GREY GOOSE label.

James B. Christie (1904-1959)
Robert L. Parker (1920-1980)

D. Bruce Prout
Richard J. Ward, Jr.
Walter G. Maxwell
William P. Christie
David A. Dillard
Thomas J. Daly
Theodore A. Pianko
Edward R. Schwartz
John D. Carpenter
Wesley W. Monroe
David A. Plumley
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Constantine Marentidis
Daniel M. Cavanagh
Gary J. Nelson
Daniel R. Kimbell
Josephine B. Chang
Joel A. Kauth
Charles R. Halloran
Raymond R. Tabandeh
Gary S. Dukarich
Cynthia A. Bonner, Ph.D.
Jun-Young E. Jeon
Stephen D. Burbach
Brian K. Brookey
David J. Steele
Brian L. Yates
Tom H. Dao
Rodney V. Warford*
David J. Bailey**
Rose A. Hickman
Ksenya Medvedev
Oliver S. Bajracharya
Colin T. Dorrian
Snoomee T. Lee***
Lauren E. Schneider

Of Counsel

R. William Johnston
Nayden A. Carney
Russell R. Palmer, Jr.
LeRoy T. Rahn
Richard D. Seibel
Richard J. Paculian****

*Admitted only in TX
**Admitted only in NY
***Admitted only in MA, NY
****Admitted only in MA

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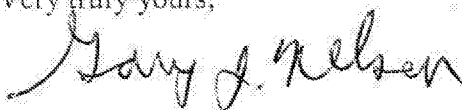
Paulette R. Carey
BUCHMAN LAW FIRM
June 10, 2004
Page 2

* In light of the above-identified assurances by Stichting Lodestar, Sidney Frank would agree to dismiss Opposition No. 91155995 with prejudice.

If these outlined terms are acceptable, please contact me to discuss the preparation of a formal settlement agreement.

As you review this settlement proposal with your client, please bear in mind that everything stated herein, as well as this letter, has been made for the sole purpose of ascertaining whether this matter can be settled, and that this document and its contents cannot be used as evidence in this matter or in any other dispute that may arise between the parties in the future, and that this settlement inquiry is made subject to Rule 408 of the Federal Rules of Evidence.

Very truly yours,



Gary J. Nelson

GJN/bbl

cc: Stichting Lodestar
D. Bruce Prout, Esq.

EBL PAS569384.1*-06/10/04 2:08 PM

Exhibit B

BUCHMAN LAW FIRM, LLP

Mark A. Koslowe+
Dennis P. O'Keefe
Robert D. Skene +
Nicholas J. Bergman**

**510 Thornall Street, Suite 200
Edison, New Jersey 08837
at MetroPark**

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San Francisco, CA • 415-434-5740

Paulette R. Carey++

* Also Admitted in NY
** Also Admitted in NY, CA
+ Only Admitted in NY, FL, DC
++ Only Admitted in NY

July 13, 2004

By Telecopier:
626-577-8800
Gary J. Nelson
Christie, Parker & Hale, LLP
PO Box 7068
350 West Colorado Blvd.
Pasadena, CA 91109-7068

Re: Opposition No. 91155995
Sidney Frank Importing Co., Inc.
v.
Stichting Lodestar

Dear Mr. Nelson:

We are in receipt of your letter dated June 10, 2004 resubmitting your client's settlement proposal.

You may be aware that Sidney Frank Importing Co., Inc. is negotiating with a third party to sell the GREY GOOSE trademarks. We suggest placing the opposition proceeding into suspension for three (3) months pending completion of the assignment.

Thereafter, the new owner of the GREY GOOSE trademarks will be in a position to consider whether to accept your client's proposal.

Please advise whether your client will consent to such a suspension.

Cordially,

BUCHMAN LAW FIRM, LLP

By: 

Paulette R. Carey

PRC/lfb

J:\Sidney Frank\PRC\gr071304.wpd

Exhibit C

BUCHMAN LAW FIRM, LLP

Mark A. Koslowe+
Dennis P. O'Keefe
Robert D. Skene +
Nicholas J. Bergman**

**510 Thornall Street, Suite 200
Edison, New Jersey 08837
at MetroPark**

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Paulette R. Carey+-

* Also Admitted in NY
** Also Admitted in NY, CA
+ Only Admitted in NY, FL, DC
+- Only Admitted in NY

July 20, 2004

By Telecopier:

626-577-8800

Gary J. Nelson

Christie, Parker & Hale, LLP

PO Box 7068

350 West Colorado Blvd.

Pasadena, CA 91109-7068

Re: Opposition No. 91155995
Sidney Frank Importing Co., Inc.
v.
Stichting Lodestar

Dear Mr. Nelson:

Reference my letter dated July 13, 2004. Kindly advise whether your client will consent to a three (3) month suspension of the proceeding.

In light of the impending Testimony Period, should we fail to receive your client's consent prior to Friday, July 23, 2004, we shall file a Motion with the Board requesting a suspension.

Cordially,

BUCHMAN LAW FIRM, LLP

By: 

Paulette R. Carey

PRC/lfb

[\\Sidney Frank\\PRC\\gn072004.wpd]

CC: Bruce Bakerman, Esq.

Exhibit D



CHRISTIE PARKER HALE LLP
 Leaders in Intellectual Property Law & Complex Litigation

PASADENA OFFICE

350 W. Colorado Blvd., Suite 500

Pasadena, CA 91105

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July 23, 2004

By facsimile with confirmation by mail
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Paulette R. Carey
 BUCHMAN LAW FIRM
 510 Thornall Street
 Suite 200
 Edison, NJ 08837

Re: Trademark Opposition Entitled
 Sidney Frank Importing Co., Inc. v. Stichting Lodestar
 Opposition No. 91155995 (WILD GEESE)
 CPH Ref. S307:110.2*5

Dear Ms. Carey:

We are in receipt of your letters dated July 13 and 20, 2004 requesting a stay of the above-identified opposition proceedings.

As you can imagine, Stichting Lodestar is anxious to resolve this matter as quickly as possible. Therefore, Stichting Lodestar must decline your request for a three month stay.

However, Stichting Lodestar remains willing to settle this matter along the lines offered previously, and summarized below:

1. Stichting Lodestar is willing to delete vodka and gin from the goods description of its pending WILD GEESE trademark application;
2. Stichting Lodestar is willing to agree to always include the WILD GEESE trademark on the same label that contains the image of flying geese;
3. Stichting Lodestar is willing to agree to always keep the biggest bird (i.e., the prominent goose) in the "flying flock" image on the right side of its label, as opposed to the left side as depicted on the GREY GOOSE label.
4. In light of the above-identified assurances by Stichting Lodestar, Sidney Frank would agree to dismiss Opposition No. 91155995 with prejudice.

James B. Christie (1904-1959)
 Robert L. Parker (1920-1960)

D. Bruce Prout
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 Peter C. Hsieh

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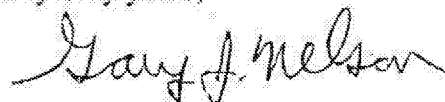
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Paulette R. Carey
BUCHMAN LAW FIRM
July 23, 2004
Page 2

If these outlined terms are acceptable, please contact me to discuss the preparation of a formal settlement agreement.

As you review this settlement proposal with your client, please bear in mind that everything stated herein, as well as this letter, has been made for the sole purpose of ascertaining whether this matter can be settled, and that this document and its contents cannot be used as evidence in this matter or in any other dispute that may arise between the parties in the future, and that this settlement inquiry is made subject to Rule 408 of the Federal Rules of Evidence.

Very truly yours,



Gary J. Nelson

GJN/bbl

cc: Stichting Lodestar
D. Bruce Prout, Esq.

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Received Time Jul 23 11:33AM