

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on the date below:

August 29, 2005

Date

W. H. S. P. R. M. G.
Signature

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

In the Matter of Application Serial No. 76/155,200
Mark: GUARANTY BANK

Published in the Official Gazette
on October 8, 2002, at TM 662

MIDWEST GUARANTY BANK,

Opposer,

v.

GUARANTY BANK,

Applicant.

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§

Opposition No. 91/157,417

UNOPPOSED MOTION FOR CONTINUATION OF SUSPENSION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Madam:

Applicant, Guaranty Bank ("Applicant"), by and through its attorneys, hereby moves the Board to continue the suspension of the present opposition.

Applicant and Opposer (Independent Bank Corporation) have reached a tentative settlement agreement and a proposed settlement document has been sent to Opposer for consideration. The additional time is necessary to conclude these settlement efforts.

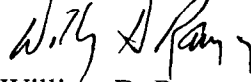
Counsel for Applicant has consulted with counsel for Opposer, Kimberly Baber, with the firm of Varnum, Riddering, Schmidt, and Howlett LLP, and Ms. Baber has indicated that Opposer agrees to the requested continuance of the suspension. .

Accordingly, Applicant requests that this matter be further suspended and that its deadline to answer or otherwise plead and the other deadlines be similarly suspended pending conclusion of these settlement efforts.

No fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. § 2.6 be deemed necessary for any reason relating to this application, the Commissioner for Trademarks is hereby authorized to deduct said fee from Wong Cabello Deposit Account No. 501922/418-0085.

Please date stamp and return the enclosed postcard to acknowledge receipt of this material.

Respectfully submitted,



William D. Raman

Sherri L. Eastley

ATTORNEYS FOR APPLICANT

Wong, Cabello, Lutsch, Rutherford &

Bruculeri, LLP

P.O. Box 685108

Austin, Texas 78768-5108

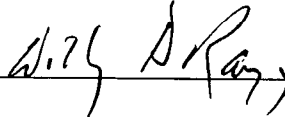
Tel: 512/473-2550

Fax: 512/473-2555

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **CONSENTED MOTION FOR AN EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD** is being sent via United States Postal Service, as First Class Mail, postage prepaid, this the 29th day of August, 2005 to Opposer by and through its attorneys, at the following addresses:

Kimberly Baber (present counsel)
Timothy E. Eagle
Varnum, Riddering, Schmidt & Howlett, LLP
Bridgewater Place
P.O. Box 352
Grand Rapids, Michigan 49501-0352



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37 C.F.R. 1.8

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Date

Willy S. Ramey
Signature

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In the Matter of Application Serial No. 76/155,200
Mark: GUARANTY BANK

Published in the Official Gazette
on October 8, 2002, at TM 662



09-07-2005

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #72

MIDWEST GUARANTY BANK,

Opposer,

v.

GUARANTY BANK,

Applicant.

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Opposition No. 91/157,417

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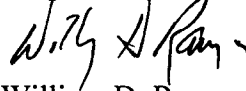
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Respectfully submitted,



William D. Raman

Sherri L. Eastley

ATTORNEYS FOR APPLICANT

Wong, Cabello, Lutsch, Rutherford &

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Timothy E. Eagle
Varnum, Riddering, Schmidt & Howlett, LLP
Bridgewater Place
P.O. Box 352
Grand Rapids, Michigan 49501-0352



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

-----X
V SECRET CATALOGUE, INC. and
INTIMATE BEAUTY CORPORATION
D/B/A VICTORIA'S SECRET BEAUTY,

Opposers,

v.

ZO BRANDS, LLC,
(formerly JONATHAN POSNARD and
ZOPPINI, LLC,

Applicant.
-----X

TTAB

Opposition
No. 91,161,849

78187202

APPLICANT'S REQUEST FOR ABANDONMENT OF APPLICATION PURSUANT
TO 37 C.F.R. §2.135

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

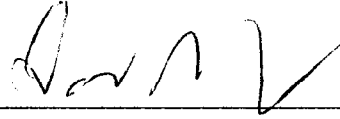
COMES NOW, Applicant Zo Brands, LLC, pursuant to 37 C.F.R. §2.135 hereby requests Abandonment of it's ZO ZEXY application (U.S. Application Serial No. 78/187,202) which is the subject matter of this opposition. Applicant has written to opposing counsel and has received opposing counsel's consent for the abandonment of the application which is attached as Exhibit A. Accordingly, Applicant requests that the Board permit Applicant to abandon the above identified application.

If there are any additional charges, please bill our Deposit Account No. 503180.



09-07-2005

Respectfully submitted,




Daniel S. Polley,
Reg. No. 34,902

DANIEL S. POLLEY, P.A.
1215 East Broward Boulevard
Fort Lauderdale, FL 33301
Ph: 954-234-2417
Fax: 954-234-2506

CUSTOMER NO. 44538

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing APPLICANT'S REQUEST FOR ABANDONMENT OF APPLICATION PURSUANT TO 37 C.F.R. §2.135 has been forwarded via First Class Mail, postage prepaid, to Opposer's attorney of record Frank J. Colucci, at Manhattan Tower, 101 East 52nd Street, New York, New York 10022 this 24th day of August, 2005.



Daniel S. Polley
Attorney for Applicants
1215 East Broward Blvd.
Fort Lauderdale, Florida 33301
(954) 234-2417

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

-----X
:
V SECRET CATALOGUE, INC. and :
INTIMATE BEAUTY CORPORATION :
D/B/A VICTORIA'S SECRET BEAUTY, :
:
Opposers, :
:
v. : Opposition :
: No. 91,161,849 :
:
ZO BRANDS, LLC, :
(formerly JONATHAN POSNARD and :
ZOPPINI, LLC, :
Applicant. :
:
-----X

CERTIFICATE OF MAILING

I hereby certify that the foregoing APPLICANT'S REQUEST FOR
ABANDONMENT OF APPLICATION PURSUANT TO 37 C.F.R. §2.135, and any
attachments thereto, is being deposited with the United States Postal Service as first
class mail, with sufficient postage, in an envelope addressed to: Commissioner for
Trademarks, Mail Stop T.T.A.B., P.O. Box 1451, Alexandria, VA 22313-1451.

This 29th day of August, 2005.


FRANCES RINALDI

COLUCCI & UMANS
 218 EAST 50TH STREET
 NEW YORK, NEW YORK 10022-7681

FRANK J. COLUCCI, P.C.
 COURTNEY WILSON MONAHAN, P.C.
 W. BRANT MOSSOP, P.C.
 GREGORY J. COLUCCI, P.C.
 RICHARD P. JACOBSON, P.C.
 DAVID M. DAHAN, P.C.
 SUSAN B. JACOBSON
 KATHLEEN M. MCGANN
 GEORGANN M. CALLAGHAN
 MICHAEL J. PAMPALONE, III
 MARY G. FONTENOT

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 TELEPHONE (914) 472-1500
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 scarsdale@colucci-umans.com

August 4, 2005

VIA FACSIMILE

Daniel S. Polley, Esq.
 1215 East Broward Boulevard
 Fort Lauderdale, Florida 33301

Re: V Secret Catalogue, Inc. and Intimate Beauty Corporation
 d/b/a Victoria's Secret Beauty v. Zo Brands (formerly Jonathan
 Ponsard and Zoppini, LLC)
 Opposition No. 91,161,849
 Your File 1015.9003
Our File D69-391

Dear Mr. Polley:

We acknowledge receipt of your letter of July 1st requesting our client's consent to the abandonment of Zo Brands' United States Application Serial No. 78/187,262 to register the mark ZO ZEXY in various International Classes, which is the subject of the above-identified opposition.

Victoria's Secret has no objection to the express abandonment of your client's application in its entirety with prejudice. However, we caution your client that Victoria's Secret will consider use of the mark on any of the goods in the application to be an infringement of its mark SO SEXY.

Sincerely yours,

Georgann M. Callaghan
 Georgann M. Callaghan

GMC:gm

Exhibit A

PUT YOUR DATE STAMP HERE:

NO FEE

*NOT TO BE
SCANNED/Goes
Directly back to
mailroom

2

DATE STAMP ALL:

TTAB/LETTERS of
PROTEST/