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

THE PEP BOYS MANNY, MOE & JACK OF CALIFORNIA, Opposer v. KENT G. ANDERSON, Applicant	Opposition No. 158,786

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[redacted]

03-30-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

MOTION TO SUSPEND
AND/OR TO EXTEND

COMES NOW the Opposer, The Pep Boys Manny, Moe & Jack of California [hereinafter "Pep Boys" or "Opposer"], through its undersigned counsel, and hereby moves for an Order from the Trademark Trial and Appeal Board (the "Board") suspending these proceedings.

The parties are currently engaged in settlement discussions which may have the effect of resolving all matters pending before the Board.

While Opposer does not have Applicant's express consent to the requested suspension [1], Opposer notes that Applicant filed on March 10, 2004, a Motion to suspend on the basis of settlement discussions. As such, Opposer understands the proceedings are suspended and that it need not respond to Applicant's Motion to consolidate.

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[1] Opposer's counsel called Applicant's counsel on March 29, 2004 and March 30, 2004 (several times), leaving voicemail messages. Applicant's counsel called on March 30, 2004, leaving a voicemail message.

However, if Opposer is not correct regarding its non-obligation to respond to Applicant's Motion to consolidate, then Opposer respectfully requests a thirty (30) day extension of time to respond to Applicant's Motion to consolidate. Opposer respectfully submits that "good cause" is demonstrated by the fact that the parties are engaged in settlement discussions that may have the effect of resolving all matters pending before the Board. In such a case, fully litigating the issue of consolidation – while the prospect of settlement still exists – would seem to be a waste of time, effort and resources for both the Board and the parties. This is especially true since Applicant seeks to consolidate not two but seven (7) different oppositions to applications with numerous and widely varied goods and services in eleven (11) different classes (*i.e.*, Classes 9, 13, 16, 35, 36, 37, 38, 39, 40, 41, and 42). Indeed, several of the published applications cover three (3) pages of the OFFICIAL GAZETTE.

This request, which is submitted in triplicate, is not made for the purpose of unduly delaying proceedings in the Patent and Trademark Office.

Respectfully submitted,

THE PEP BOYS MANNY, MOE & JACK OF CALIFORNIA

BY: _____

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Dated: March 30, 2004
Attorney Docket No. I-4955

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March, 2004, a true copy of the foregoing Motion to Suspend and/or Motion to Extend was served by first-class mail, postage prepaid, upon counsel for Applicant:

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