

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

Mark: XOCOLATE

U.S. Trademark Application Serial No. 78/164,521

SONAFI, S.A.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91/159,665
)	
RAND JUDD)	
)	
Applicant.)	
	X	

**OPPOSERS RESPONSE TO APPLICANT'S MOTION TO SUSPEND UNTIL
OPPOSER SUBMITS ACCEPTABLE SPECIMEN FOR U.S. SERIAL NO. 76/414,192**

Opposer, Sonafi, S.A., received a Motion to Suspend from Applicant, Randy Judd, dated February 26, 2007. The basis for the Motion to Suspend was that until Opposer filed a specimen that was accepted by the United States Trademark Office for Trademark Application Serial No, 76/414,192, these proceedings should be suspended. Opposer consents to and does not oppose Applicant's Motion to Suspend. As such, all matters currently pending before the Board regarding this Opposition proceeding should be suspended until a specimen is accepted by the United States Trademark Office for Trademark Application Serial No, 76/414,192.

Opposer notes that Applicant made a reference to potentially opening discovery once a specimen was accepted by the United States Trademark Office for Trademark Application Serial No.

76/414,192. Opposer does not consent to opening discovery which would further delay these proceedings. Applicant's window for discovery closed some time ago in these proceedings. Opposer also notes that Applicant made several statements regarding the basis of this Opposition. Opposer does not admit to any of these statements asserted by Applicant.

SONAFI, S.A.

By: 

BRIAN E. TURUNG
FAY, SHARPE, FAGAN, MINNICH & McKEE
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
Telephone: (216) 861-5582
Facsimile: (216) 241-1666

Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **OPPOSERS RESPONSE TO APPLICANT'S MOTION TO SUSPEND UNTIL OPPOSER SUBMITS ACCEPTABLE SPECIMEN FOR U.S. SERIAL NO. 76/414,192** was served on the attorney for Applicant, Randy Judd, by first class mail, postage prepaid, this 9 day of March, 2007, at the address below:

Jason R. Jones
Thorpe North and Western, LLP
P.O. Box 1219
Sandy, UT 84091-1219


BRIAN E. TURUNG