

ESTTA Tracking number: **ESTTA90047**

Filing date: **07/14/2006**

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

Proceeding	91167259
Party	Defendant Boost Juice Holdings Pty Ltd; ACN 102 379 591 Boost Juice Holdings Pty Ltd; ACN 102 37 9 591 Suite 2 261-267 High Street AUX ASHBURTON VIC 3147,
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Submission	Other Motions/Papers
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Date	07/14/2006
Attachments	joost.pdf ( 2 pages )(66239 bytes )

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

Booster Juice Limited Partnership,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91167259
	)	
Boost Juice Holdings Pty Ltd,	)	
	)	
Applicant.	)	
_____	)	

**MOTION TO SUSPEND PROCEEDINGS**

Applicant respectfully moves the Board that proceedings herein be suspended for two months, or until the parties have resolved pending discovery issues. The undersigned counsel telephoned opposing counsel to try to obtain consent to this motion, and, as of the filing of this Motion, the call has not been returned.

Inasmuch as the time for taking testimony is set to open on July 21, 2006, a suspension of the proceedings will be necessary to preserve the Applicant's right to file a Motion to Compel, in the event that the parties are unable to resolve pending discovery issues on their own.

Applicant served discovery requests in this proceeding on May 19, 2006. At the request of Opposer, Applicant consented to an extension of time in which the Opposer could respond. Opposer served written responses on June 30, 2006, which included many objections and none of the requested documents.

Upon receipt of the written responses, counsel for Applicant, on July 7, 2006, sent a letter to opposing counsel by fax regarding discovery issues, and offering to enter into the TTAB's standard protective order. A few days later, Applicant's counsel followed up with a phone call


to opposing counsel, and left a voice mail message. As of the filing of this motion, no response has been received either to the letter or voice mail.

Delays on the part of the Opposer should not be permitted to prejudice the Applicant by depriving Applicant of the opportunity to file a Motion to Compel. Nor should trial commence before discovery proceedings have been concluded. It is hoped that the parties can resolve discovery matters, and that a Motion to Compel will not be necessary.

Consequently, Applicant believes that it is premature to file a Motion to Compel, and is asking that proceedings be suspended to allow the parties an opportunity to resolve matters without intervention by the Board.

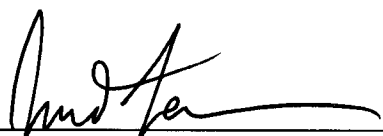
Respectfully submitted,

BOOST JUICE HOLDINGS PTY LTD

By:   
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#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION TO SUSPEND PROCEEDINGS was served on Steven M. Weinberg, Esq., at his address of record, Greenberg Traurig, LLP, The Water Garden, 2450 Colorado Avenue, Suite 400E, Santa Monica, CA 90404, by first class mail, postage prepaid, on July 15, 2006.

  
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Joseph D. Lewis