

ESTTA Tracking number: **ESTTA304711**

Filing date: **09/04/2009**

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

Proceeding	91172967
Party	Plaintiff Dana Alexander, Inc.
Correspondence Address	Robert W. Smith McCarter & English, LLP Four Gateway Center100 Mulberry Street Newark, NJ 07102-4056 UNITED STATES kgarrone@mccarter.com
Submission	Other Motions/Papers
Filer's Name	Robert W. Smith
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Date	09/04/2009
Attachments	Motion on Consent for Suspension of Opposition Proceedings.pdf ( 3 pages ) (86001 bytes )



respectfully request that the subject proceeding be suspended in order to finalize the written agreement.

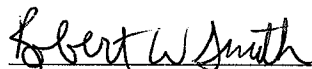
Given these circumstances, Opposer respectfully requests that the Board enter a sixty (60) day suspension to hopefully allow the parties to finalize and execute a settlement agreement.

Opposer proposes that the schedule for the proceedings be extended as follows:

Proceedings Resume:	10/13/09
Discovery Period to Close:	2/3/10
Thirty-day testimony period for party in position of plaintiff to close:	5/4/10
Thirty-day testimony period for party in position of defendant to close:	7/3/10
Fifteen-day rebuttal testimony period to close:	8/17/10

Applicant, Terra Preta, LLC, through its attorney, Keith Weltsch, Esq., consented to this motion in an email to Opposer's counsel.

McCARTER & ENGLISH, LLP

By:   
Robert W. Smith  
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Attorneys for Opposer,  
Dana Alexander, Inc.

Dated: September 4, 2009

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing MOTION ON CONSENT FOR SUSPENSION OF OPPOSITION PROCEEDINGS was served on the Applicant's counsel, Keith Weltsch, Esq., at the following address, by first class mail, postage prepaid on the 4<sup>th</sup> day of September, 2009:

Keith A. Weltsch, Esq.  
Scully, Scott, Murphy & Presser PC  
400 Garden City Plaza, Suite 300  
Garden City, NY 11530

  
Deborah Popovic