

ESTTA Tracking number: **ESTTA315997**

Filing date: **11/10/2009**

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 |
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| Signature | /robertwsmith/ |
| Date | 11/10/2009 |
| Attachments | Motion on Consent for Suspension of Opposition Proceedings.pdf (3 pages) (81373 bytes) |

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Dana Alexander, Inc.

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

DANA ALEXANDER, INC. :
 :
 :
 Opposer, :
 :
 -vs- :
 :
 TERRA PRETA, LLC, :
 :
 Applicant. :
 :

Opposition No. 91172967
Mark: TERRA PRETA
Serial No. 78/536,721

**MOTION ON CONSENT FOR SUSPENSION
OF OPPOSITION PROCEEDINGS**

Opposer hereby requests that all deadlines in this proceeding, including the close of discovery and all trial dates, be suspended for sixty (60) days so that the parties can continue to engage in settlement negotiations and hopefully finalize a settlement of this matter. The parties have engaged in numerous settlement communications in an effort to reach a settlement of this matter, and have drafted a settlement agreement. As of the date of the submission of the instant motion, the parties have finalized an agreement and are arranging to have it executed by the

respective parties. Thus, the parties respectfully request that the subject proceeding be suspended in order to arrange for execution of the agreement by the parties.

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:

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|--|----------|
| Proceedings Resume: | 12/12/09 |
| Discovery Period to Close: | 4/4/10 |
| Thirty-day testimony period for party in position of plaintiff to close: | 7/3/10 |
| Thirty-day testimony period for party in position of defendant to close: | 9/1/10 |
| Fifteen-day rebuttal testimony period to close: | 10/16/10 |

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: 

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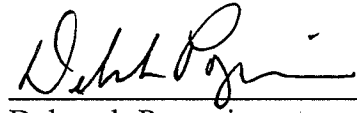
Attorneys for Opposer,
Dana Alexander, Inc.

Dated: November 10, 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 10th day of November, 2009:

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



Deborah Popovic