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

Proceeding	91175745
Party	Defendant Burrows, Bruce D.
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Date	12/14/2007
Attachments	Opposition to Motion to Suspend.pdf (3 pages)(17207 bytes)

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

In the matter of
Trademark Application Serial No. 78/789,820
For the mark:  (“Water Drop SPRING” logo)
Published in the Official Gazette on October 24, 2006

Opposition No. 91175745

Alticor, Inc., Opposer
v.
Bruce D. Burrows, Applicant

OPPOSITION TO OPPOSER’S MOTION TO SUSPEND

Applicant Bruce D. Burrows (“Applicant”) hereby opposes the motion to suspend filed by Opposer Alticor, Inc. filed on December 3, 2007. Opposer’s motion requests a sixty-day suspension so that the parties can complete settlement negotiations. While the parties have been and still are engaged in settlement negotiations, Applicant does not consent and strongly opposes the attempt by Opposer to suspend these proceedings.

The reason that Opposer is in the position it is in now is solely a result of Opposer’s delay. Throughout these proceedings, Applicant has responded to each of Opposer’s proposals in a reasonable amount of time, whereas Opposer has long delayed its responses (as much as three months) which now place it in the position of having to make this motion.

Where one of the parties to a TTAB proceeding objects to a suspension for settlement purposes, a suspension is not proper and should not be granted. *MacMillan Bloedel Ltd. v. Arrow-M Corp.*, 203 USPQ 952 (TTAB 1979). A party that fails to timely prosecute its case or seek an extension/suspension on the basis of settlement does so at its own risk. *Old Nutfield*

Brewing Company, Ltd. v. Hudson Valley Brewing Company, Inc., 65 USPQ.2d 1701 (TTAB 2002); TMBP § 510.03(a), n. 182.

Accordingly, Applicant opposes this motion to suspend and requests that the Board deny Opposer's motion.

Dated: December 13, 2007

Respectfully submitted,

KELLY LOWRY & KELLEY, LLP

/Michael A. DiNardo/

Michael A. DiNardo
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CERTIFICATE OF SERVICE

I certify that on December 13, 2007, I served a copy of the foregoing OPPOSITION TO OPPOSER'S MOTION TO SUSPEND (In Re TTAB Opposition No. 91175745) to the following by U.S. first class mail, postage prepaid:

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Dated: December 13, 2007

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