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

Proceeding	91176354
Party	Defendant Barry Callebaut AG
Correspondence Address	CHRISTOPHER GLANCY WHITE & CASE LLP 1155 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES jweedman@whitecase.com, trademarkdocket@whitecase.com
Submission	Stipulated/Consent Motion to Extend
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Date	01/30/2009
Attachments	jdw - Amended Motion for Suspension.pdf (4 pages)(15612 bytes)

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

SONAFI S.A.,

Opposer,

v.

BARRY CALLEBAUT AG,

Applicant.

Opposition No. 91176354
Serial No. 79/010756

AMENDED STIPULATED MOTION FOR EXTENSION OF TIME TO ANSWER

Pursuant to 37 C.F.R. § 2.212, Applicant Barry Callebaut AG (“Applicant”) hereby moves for an order extending the time to answer, as well as the testimony and trial periods, in the above-captioned proceeding by thirty (30) days from the dates set forth in the Board’s January 13, 2009 scheduling order.

This motion is submitted in good faith, and is not submitted for reasons of delay. Opposer, Sonafi S.A., by its counsel Kristin H. Altoff, Esq., of Morgan, Lewis & Bockius LLP, consented to this motion for extension of time via an e-mail to Applicant’s counsel, Joshua D. Weedman, Esq., on January 23, 2009.

On April 27, 2007 and May 15, 2007, Applicant Barry Callebaut AG, filed Stipulated Motions To Extend Applicant’s Time To Answer. The Stipulated Motions To Extend Applicant’s Time To Answer were granted by the Trademark Trial and Appeal Board on May 22, 2007. Applicant subsequently filed Motions For Suspension For Settlement With Consent on December 3, 2007, May 30, 2008, July 28, 2008, October 16, 2008 and January 13, 2009,

respectively. The above mentioned Motions were all filed on-line through the Trademark Trial and Appeal Board on-line filing system, and were granted by the Board on the same dates.

It has come to the parties' attention that, beginning with the December 3, 2007 Motion For Suspension For Settlement With Consent, Applicant inadvertently used the incorrect on-line form that did not include the date by which Applicant must file its Answer. Applicant raised this issue with Trademark Trial and Appeal Board Interlocutory Attorney Angela Lykos, who instructed Applicant to file the instant motion to remedy this clerical error.

It is therefore respectfully requested that the trial dates be reset as follows to include the time in which the Applicant has in which to file its Answer:

Proceedings Resume	April 13, 2009
Answer Due	May 13, 2009
Discovery Period to close	September 11, 2009
30-day testimony period for party in position of plaintiff to close	December 10, 2009
30-day testimony period for party in position of defendant to close	February 8, 2010
15-day rebuttal testimony period to close	March 25, 2010

This motion is being submitted electronically.

Dated: New York, New York
January 30, 2009

WHITE & CASE LLP

By: /Joshua Weedman/
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Attorneys for Applicant, Barry Callebaut AG.

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 2009, I caused a copy of the foregoing STIPULATED MOTION FOR SUSPENSION to be served, by the means indicated below, upon:

VIA E-MAIL

Kristin H. Altoff
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Joshua Weedman