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Filing date: **06/19/2008**

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

Proceeding	91181708
Party	Plaintiff I.R.C.A. SpA Industria Resistenze Corazzate ed Affini
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Date	06/19/2008
Attachments	objection to response to show cause order.tif (1 page)(33598 bytes) objection to response to show cause order (2).tif (1 page)(42422 bytes) objection to response to show cause order (3).tif (1 page)(17632 bytes) objection to response to show cause order (4).tif (1 page)(45700 bytes) objection to response to show cause order (5).tif (1 page)(14032 bytes)

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

I.R.C.A. SpA Industria Resistenze Corazzate ed Affini,)	
)	
Opposer,)	Opposition No. 91181708
)	
v.)	Serial No.: 79/024632
)	Mark : RITCA
RITTAL RES Electronic Systems GmbH & Co. KG,)	Filed: July 29, 2005
)	Published: September 4, 2007
Applicant.)	

**OPPOSER'S OBJECTION TO
APPLICANT'S RESPONSE TO SHOW CAUSE ORDER**

Opposer, I.R.C.A. SPA INSUSTRIA RESISTENZE CORAZZATE ED AFFINI, by and through its attorneys, presents this objection to Applicant's Response to Show Cause Order. As additional support for its arguments, Opposer attaches an affidavit signed by Opposer.

STATEMENT OF FACTS

Opposer reiterates the facts as presented by Applicant in as much as there was a stipulated motion granted by the Board to extend the deadline to Answer the Opposition until April 16, 2008. Since the Motion for Extension of Time was granted on March 1, 2008, resetting the Answer due date to April 16, 2008, there has been no additional extension granted nor has an Answer been filed in this matter.

APPLICANT DID NOT SHOW GOOD CAUSE

Applicant states in its Response to Show Cause Order that not having filed an Answer was inadvertent on its part. However, there is no explanation as to what the inadvertence was.

There is nothing to support the statement that not filing an Answer was a mistake as claimed.

There is nothing to support the contention that there is not gross neglect by Applicant, when it completely missed a deadline set by the Board. Applicant did not even attempt to explain why the deadline was missed.

OPPOSER WILL BE SUBSTANTIALLY PREJUDICED BY THE DELAY

Opposer initially agreed to extend the time for Applicant to Answer until April 16, 2008 because it believed that there would be active settlement negotiations moving forward. This was not the case. As stated in Opposer's affidavit, Applicant has not put forth any honest effort in negotiating a settlement. (See affidavit of Opposer paragraph 4). Applicant received a proposed settlement from Opposer in February, 2008 and did not respond at all until prior to the deadline for Applicant to respond to the Board's issued Show Cause Order. (See affidavit of Opposer paragraph 7). As laid out in Opposer's affidavit, this has been the pattern of communications between the parties since inception of the Opposition. (See affidavit of Opposer paragraph 6).

Opposer will be substantially prejudiced by the further delay of this matter as it is costing time and money to conduct one-sided negotiations. Opposer has already spent over a year trying to initiate and proceed with any type of negotiations with Applicant. Opposer began negotiations by sending a letter to Applicant in March of 2007 (See affidavit of Opposer paragraph 2). This was met with no substantive response which resulted in Opposer having to file an Opposition. Still, Applicant failed to timely communicate with Opposer and has now failed to meet a deadline set by the Board, even when given an extension of time to Answer.

CONCLUSION

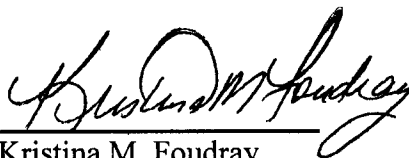
Opposer asks that Judgment be entered by default against Applicant for its failure to file an Answer and failure to provide good cause as to why the Board should not enter default judgment.

In the alternative, Opposer adamantly opposes a suspension of the opposition and wishes to proceed with the trial dates that are set in the March 1, 2008 Order.

Respectfully submitted,

I.R.C.A. SpA Industria Resistenze Corazzate ed Affini

By its attorneys,



Kristina M. Foudray

Allison J. Gonzalez

Hamre, Schumann, Mueller & Larson P.C.

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612.455.3800

Date: 19 June 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: RITTAL RES Electronic Systems GmbH & Co . KG
Serial No.: 79/024632
Opp. No.: 91181708
Opposer: I.R.C.A. SpA Industria Resistenze Corazzate ed Affini
Mark: RITCA
Docket: 20013.78USTA

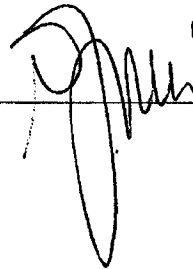
AFFIDAVIT OF Guido Antoniazzi

1. I am the GEN. MNG. & CFO of I.R.C.A. SpA Industria Resistenze Corazzate ed Affini.
2. I possess the knowledge and authority to make the following statements regarding Petitioner's proceedings before the U.S. Trademark Trial and Appeal Board.
3. Opposer sent Applicant a letter objecting to Applicant's use of Applicant's mark in March 2007.
4. Since March 2007, Applicant has been slow to respond during settlement discussions and has not put forth any effort that suggests an honest attempt to come to a resolution.
5. The co-existence proposals received from Applicant in April 2007 and May 2008 have been wholly unacceptable.
6. Applicant did not contact Opposer or its attorney prior to the April 2007 deadline to file an Answer. In fact, Applicant has a habit of not contacting Opposer or its attorney until just prior to a procedural deadline.
7. Opposer's proposed co-existence agreement forwarded to Applicant in February 2008 was ignored until the deadline to respond to the Show Cause Order approached.
8. Opposer strongly objects to suspension of the opposition and does not stipulate to suspension of proceedings.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that all statements made herein of his own knowledge are true and all statements made on information and belief are believed to be true.

Dated: 19/06/2008

By: _____




CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing OPPOSER'S OBJECTION TO APPLICANT'S RESPONSE TO SHOW CAUSE ORDER has been served via U.S. First Class Mail, this 19th day of June, 2008 as follows:

John Alunit
Patel & Alunit, PC
16830 Ventura Blvd., Suite 360
Encine, CA 91436-1711

Date: 19 June 2008

By: 
Heidi McCarty
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