

ESTTA Tracking number: **ESTTA196130**

Filing date: **03/04/2008**

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

Proceeding	91182767
Party	Plaintiff Houston McLane Company, Inc.
Correspondence Address	Mary L. Kevlin, Esq. Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES mxp@cll.com, trademark@cll.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Maryann Penney
Filer's e-mail	mxp@cll.com, trademark@cll.com
Signature	/Maryann Penney/
Date	03/04/2008
Attachments	COCOA ASTROS - Motion to Suspend on Consent.PDF (3 pages)(25241 bytes)

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

-----	X	
HOUSTON MCLANE COMPANY, INC.,	:	
	:	
Opposer,	:	Opposition No. 91182767
v.	:	
	:	
SAFEWAY INC.,	:	
	:	
Applicant.	:	
-----	X	

**MOTION ON CONSENT TO SUSPEND PROCEEDINGS
AND TO EXTEND DISCOVERY PERIOD IF OPPOSITION IS RESUMED**

Opposer, by and through counsel, hereby moves for an order suspending the proceedings in this matter for a period of six (6) months, until **September 4, 2008**. Applicant’s counsel consented to this motion, which is requested to allow the parties to engage in settlement discussions.

In the event that the Board denies this motion, Opposer consents to an extension of time for Applicant to file an answer or otherwise respond to the Notice of Opposition until sixty (60) days after such denial.

If the Board grants this motion, the Board should also reset Applicant’s time to answer or otherwise respond to the Notice of Opposition. Additionally, the parties request that six months of discovery be allowed and that the discovery cutoff be reset to six (6) months after the

proceedings resume so that the parties will have the full period of discovery in the event that the matter is not able to be resolved. The trial periods and other periods should be reset accordingly.

Dated: New York, New York
March 4, 2008

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By Maryann Penney /
Mary L. Kevlin
Richard S. Mandel
Jonathan Z. King
Maryann Penney
1133 Avenue of the Americas
New York, New York 10036-6799
(212) 790-9200

