ESTTA Tracking number: **ESTTA238482**

Filing date: **09/23/2008**

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

| | |
|---|---|
| Proceeding | 91183461 |
| Party | Defendant<br>Santhera Pharmaceuticals (Schweiz) AG |
| Correspondence Address | LINDA G. HENRY, ESQ.<br>FENWICK & WEST LLP<br>801 CALIFORNIA STREET , SILICON VALLEY CENTER<br>MOUNTAIN VIEW, CA 94041<br>UNITED STATES<br>trademarks@fenwick.com |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Linda G. Henry |
| Filer's e-mail | trademark@fenwick.com |
| Signature | /lgh/ |
| Date | 09/23/2008 |
| Attachments | Stipulated Motion for Suspension of Opposition & POS.91183461.pdf ( 2 pages )(64808 bytes ) |

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

In the matter of
Trademark App. No. 77196079
Mark: OXITRAN

| | | |
|---|---|---|
| Merck KgaA<br>Petitioner,<br>vs.<br><br>Santhera Pharmaceuticals (Schweiz) AG<br>Applicant | ) | Opposition No. 91183461 |

**STIPULATED MOTION FOR SUSPENSION OF OPPOSITION**

Applicant, Santhera Pharmaceuticals (Schweiz) AG, by and through its attorneys, hereby requests that the Trademark Trial and Appeal Board ("Board") suspend proceedings in the above-entitled matter. This request is made in good faith and not for the purpose of unduly delaying proceedings in the Patent and Trademark Office. The parties require additional time to continue settlement negotiations. A settlement would negate the need for further proceeding in this Opposition.

Counsels for the parties stipulated to this suspension by an email exchange on September 22, 2008. A Proof of Service by Mail accompanies this Motion.

Based on the above, it is believed that this request for suspension constitutes good cause, and an order granting this motion is respectfully requested.

Respectfully submitted,

Dated: September 23, 2008

Linda G. Henry, Esq.
Attorney for Applicant
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
(650) 988-8500

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in the County of Santa Clara, California.

I am over the age of eighteen years and not a party to the within cause; my business address is Fenwick & West LLP, Silicon Valley Center, 801 California Street, Mountain View, CA 94041. On September 23, 2008, I served the within STIPULATED MOTION FOR SUSPENSION OF OPPOSITION on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Mountain View, California, addressed as follows:

William C. Wright
Epstein Drangel Bazerman & James, LLP
60 East 42nd Street, Suite 820
New York, NY 10165

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this 23rd day of September, 2008.

Phyllis O'Sullivan

Phyllis O'Sullivan

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