ESTTA Tracking number: **ESTTA280006**

Filing date: **04/23/2009**

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

Proceeding	91183461
Party	Defendant Santhera Pharmaceuticals (Schweiz) AG
Correspondence Address	LINDA G. HENRY, ESQ. FENWICK & WEST LLP 801 CALIFORNIA STREET , SILICON VALLEY CENTER MOUNTAIN VIEW, CA 94041 UNITED STATES trademarks@fenwick.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Linda G. Henry
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Signature	/lgh/
Date	04/23/2009
Attachments	Motion to Suspend-OXITRAN.042309.pdf (3 pages)(75062 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	)	
Petitioner,	)	
vs.	)	Opposition No. 91183461
	)	
Santhera Pharmaceuticals (Schweiz) AG	)	
Applicant	)	
	)	

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 for 60 days. 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 each of the parties stipulated to this suspension by an email exchange on April 23, 2009. A Proof of Service by Mail accompanies this Motion.

The Initial Disclosures are currently due by April 29, 2009. The parties request that such date be extended for 60 days and that all subsequent dates be reset accordingly.

Initial Disclosures Due	June 28, 2009
Expert Disclosures Due	October 26, 2009

Discovery Closes	November 25, 2009
Plaintiff's Pretrial Disclosures	January 9, 2010
Plaintiff's 30-day Trial Period Ends	February 23, 2010
Defendant's Pretrial Disclosures	March 10, 2010
Defendant's 30-day Trial Period Ends	April 24, 2010
Plaintiff's Rebuttal Disclosures	May 9, 2010
Plaintiff's 15-day Rebuttal Period Ends	June 8, 2010

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: April 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 April 23, 2009, 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 April, 2009.

Phyllis O'Sullivan

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