

ESTTA Tracking number: **ESTTA368586**

Filing date: **09/16/2010**

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

| | |
|------------------------|--|
| Proceeding | 91186843 |
| Party | Plaintiff Philip Morris USA Inc. |
| Correspondence Address | ROBERTA L HORTON ARNOLD & PORTER LLP 555 12th StREET NW, TRADEMARK DOCKETING WASHINGTON, DC 20004 UNITED STATES jessica.halbert@aporter.com, roberta.horton@aporter.com, catherine.rowland@aporter.com |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Jessica L. Halbert |
| Filer's e-mail | jessica.halbert@aporter.com, roberta.horton@aporter.com, michael.sandifer@aporter.com, latisha.brown@aporter.com, trademarkdocketing@aporter.com |
| Signature | /Jessica L. Halbert/ |
| Date | 09/16/2010 |
| Attachments | Motion to Extend Suspension.2PDF.PDF (4 pages)(39013 bytes) |

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

| | | |
|-------------------------|---|---------------------------|
| _____ |) | |
| PHILIP MORRIS USA INC., |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No. 91/186,843 |
| |) | |
| N.V. SUMATRA TOBACCO |) | |
| TRADING COMPANY, |) | |
| |) | |
| Applicant. |) | |
| _____ |) | |

**CONSENT MOTION FOR EXTENSION OF SUSPENSION
PENDING SETTLEMENT**

Opposer, by its attorneys, hereby moves for an extension of the suspension of the above-captioned proceedings for the purpose of finalizing settlement negotiations.

On May 17, 2010, the Board granted Applicant’s Motion to Suspend the proceedings in light of the parties active engagement in settlement negotiations. On July 17, 2010, the Board granted an additional motion extended the suspension of proceedings while settlement negotiations continued. In its Order of July 17, 2010, the Board noted that further requests for extensions must be accompanied by a “detailed report on the progress of [the parties’] settlement negotiation to establish good cause. . .”

Phillip Morris USA Inc. (“PM USA”) requests with the consent of Applicant to extend the current suspension period by fourteen (14) days in order to finalize settlement. In the interest of compliance with the Order of July 17, 2010, Opposer represents that the parties have resolved all issues and have agreed on a final written settlement agreement. While the parties have no outstanding issues for resolution, recent travel on the part of the parties and their counsel has

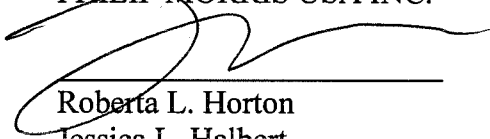
made the execution of the agreement by Friday, September 17, 2010, impossible. The parties are confident that a brief extension of the suspension period will allow for a swift and final resolution of this matter.

When granted, the new deadlines will be as follows:

| | |
|--|------------|
| Time to Answer: | CLOSED |
| Deadline for Discovery Conference: | CLOSED |
| Discovery Opens: | CLOSED |
| Initial Disclosures Due: | CLOSED |
| Expert Disclosures Due: | CLOSED |
| Discovery Closes: | 10/01/2010 |
| Plaintiff's Pretrial Disclosures: | 11/15/2010 |
| Plaintiff's 30 Day Trial Period Ends | 12/30/2010 |
| Defendant's Pretrial Disclosures: | 01/14/2011 |
| Defendant's 30 Day Trial Period Ends | 02/28/2011 |
| Plaintiff's Rebuttal Disclosures: | 03/15/2011 |
| Plaintiff's 15 Day Rebuttal Period Ends: | 03/14/2011 |

Respectfully Submitted,

PHILIP MORRIS USA INC.

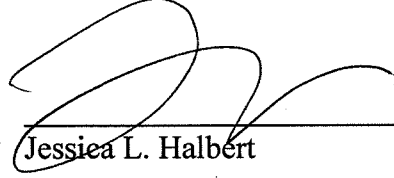


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July 2, 2010

CONSENT

PM USA has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

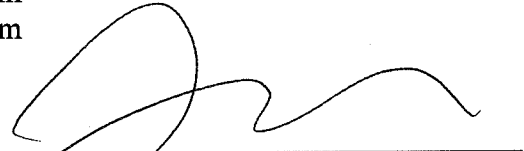


Jessica L. Halbert

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this paper has been served upon all parties on this the 16th day of September, 2010, at the following electronic mail addresses:

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