

ESTTA Tracking number: **ESTTA263069**

Filing date: **01/27/2009**

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

Proceeding	91187553
Party	Defendant Leehar Distributors, Inc.
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Submission	Motion to Suspend for Settlement Discussions
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Date	01/27/2009
Attachments	LDI Extension.pdf (3 pages)(13662 bytes)

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

In the Matter of Trademark Application)
 Serial Nos. 77/412,801 and 77/412,887)
 Filed March 4, 2008, by)
 Leehar Distributors, Inc., Published July 22, 2008,)
 For the Trademarks: “LDI” and “LDI & Design”)
 Aldi, Inc.,)
)
 Opposer,)
)
 v.)
)
 Leehar Distributors, Inc.,)
)
 Applicant.)

Opposition No. 91/187,553

I hereby certified that this paper is being transmitted by electronic mail to the United States Patent and Trademark Office <http://www.uspto.gov> on this date: January 27, 2009.

/s/ John E. Petite

BOX TTAB/NO FEE
 Commissioner for Trademarks
 2900 Crystal Drive
 Arlington, VA 22202-3514

MOTION TO SUSPEND PROCEEDINGS UNDER § 2.117(c)

Applicant Leehar Distributors, Inc. (“Applicant”), hereby respectfully moves that the Board suspend this opposition proceeding pursuant to 37 C.F.R. Ch. 1 § 2.117(c) on the grounds that Applicant and Opposer Aldi, Inc. (“Opposer”) are still in the process of pursuing a possible settlement agreement concerning this proceeding. Applicant has attempted to secure Opposer’s consent to this motion, but was unable to connect with counsel for Opposer on that score. In support to this Motion, Applicant respectfully states as follows:

1. Rule 2.117(c) states that “[p]roceedings may also be suspended, for good cause, upon motion or a stipulation of the parties approved by the Board.” In this regard, the Board may suspend proceedings “in order to allow the parties to pursue settlement ... [or] when it

appears that actual efforts at settlement are proceeding or progress is being made.” Gilson, Trademark Protection and Practice, Vol. 1, § 3.05[2][c].

2. In this proceeding, the parties have agreed on the framework for a settlement and are in the process of formalizing that compromise in an effort to conclude this opposition proceeding in an expeditious manner. Therefore, good cause being shown, Applicant moves for suspension of this opposition proceeding. In addition, Applicant requests a 14 day extension of time for Applicant to answer.

WHEREFORE, for the reasons and based on the authorities stated above, Applicant respectfully (1) requests that the Board suspend this opposition proceeding for a period of 14 days from resolution of this Motion; (2) requests with Opposer’s consent that the Answer due date be stayed 14 days from resolution of this motion and that discovery be stayed during the suspension period and that all discovery due dates be reset for 14 days beyond the date of the removal of this proceeding from suspension; and (3) requests such other and further relief as the Board deems just and appropriate under the circumstances.

Dated: January 27, 2009

Respectfully submitted,

By /s/ John E. Petite

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 27, 2009, a copy of the foregoing CONSENTED MOTION TO SUSPEND PROCEEDINGS UNDER § 2.117(c) was served via e-mail, on the following:

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