

ESTTA Tracking number: **ESTTA566088**

Filing date: **10/21/2013**

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

Proceeding	91189781
Party	Plaintiff Vintage Pharmaceuticals, LLC
Correspondence Address	JAMES R MEYER SCHNADER HARRISON SEGAL LEWIS LLP 1600 MARKET STREET, SUITE 3600 PHILADELPHIA, PA 19103-7286 UNITED STATES trademarks@schnader.com
Submission	Other Motions/Papers
Filer's Name	JAMES R MEYER, ESQ.
Filer's e-mail	trademarks@schnader.com
Signature	/James R. Meyer/
Date	10/21/2013
Attachments	Vintage.pdf(104665 bytes ) Vintage_EX 1.pdf(78263 bytes )

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

VINTAGE PHARMACEUTICALS LLC,

Opposer,

v.

THE CONCEPT FOUNDATION

Applicant.

Opposition Nos. 91189780 and 91189781

Serial Nos.: 76514737 and 76514740

Marks: CYCLOFEM and  
CYCLOFEMINA

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**RESPONSE TO ORDER**

This filing responds to the communication from the Board dated October 19, 2013 allowing Opposer twenty (20) days to explain its failure to file a response to the previous Show Cause Order.

As indicated the attached Ex 1, the parties have tentatively reached an agreement to settle both of the above oppositions. The settlement document is currently under review by the Applicant and its counsel.

On October 3, 2013, Opposer's counsel filed the Motion dated October 3, 2013 and shown in Ex 1 in response the the Board's previous Show Cause Order. Indeed the cover sheet

on the TTAB record correctly shows the Opposition Number. However, somehow a document relating to Opposition No. 91209134, in which neither Opposer or its counsel are involved, got mistakenly attached to the cover page. Opposer's counsel has no explanation for how this could have occurred. In any event, it was inadvertent and not the fault of Opposer.

Accordingly, Opposer is resubmitting its October 3, 2013 Motion and requests again that both of the above proceedings be further suspended pending the completion of the settlement. As shown in Ex 1, Applicant's counsel consents to this request.

The parties will advise the Board as soon as the settlement is completed.

Respectfully submitted,

VINTAGE PHARMACEUTICALS LLC



Dated: October 21, 2013

By:

\_\_\_\_\_  
James R. Meyer, Esq.  
Schnader Harrison Segal & Lewis LLP  
1600 Market Street, Suite 3600  
Philadelphia, PA 19103  
**Attorneys for Opposer**

**EXHIBIT 1**

RESPONSE TO ORDER TO SHOW CAUSE AND  
REQUEST ON CONSENT TO SUSPEND PROCEEDINGS

DATED OCTOBER 3, 2013

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing  
RESPONSE TO ORDER TO SHOW CAUSE AND REQUEST ON CONSENT TO SUSPEND  
PROCEEDINGS was served this 21th day of October, 2013, on counsel of record for Applicant  
by e-mail:

David J. Davis, Esq.  
David.Davis@bakermckenzie.com  
Tally.George@bakermckenzie.com  
BAKER & MCKENZIE LLP  
300 E RANDOLPH STREET, SUITE 5000  
CHICAGO, IL 60601

A handwritten signature in blue ink that reads "James R. Meyer". The signature is fluid and cursive, with a large initial "J" and "M".

---

Attorney for Opposer

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

VINTAGE PHARMACEUTICALS LLC,

Opposer,

v.

THE CONCEPT FOUNDATION

Applicant.

Opposition Nos. 91189780 and 91189781

Serial Nos.: 76514737 and 76514740

Marks: CYCLOFEM and  
CYCLOFEMINA

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**RESPONSE TO ORDER TO SHOW CAUSE AND  
REQUEST ON CONSENT TO SUSPEND PROCEEDINGS**

This filing responds to the communication from the Board dated September 4, 2013 allowing Opposer thirty (30) days to show cause why Opposition No. 91189781 should not be treated as conceded.

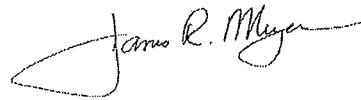
The Board is advised that a settlement has tentatively been reached by the parties to Opposition No. 91189781 as well as the related Opposition No. 91189780. The settlement document is currently under review by the Applicant and its counsel.

Accordingly, Opposer requests that both proceedings be suspended pending the completion of the settlement. Applicant consents to this request.

The parties will advise the Board as soon as the settlement is completed.

Respectfully submitted,

VINTAGE PHARMACEUTICALS LLC



Dated: October 3, 2013

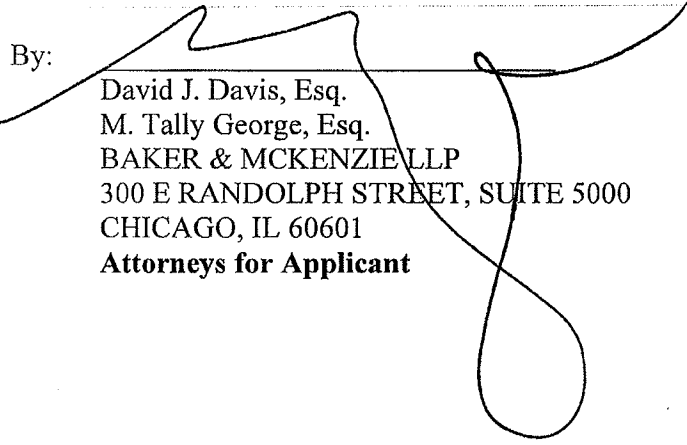
By: \_\_\_\_\_

James R. Meyer, Esq.  
Schnader Harrison Segal & Lewis LLP  
1600 Market Street, Suite 3600  
Philadelphia, PA 19103  
**Attorneys for Opposer**

THE CONCEPT FOUNDATION

Dated: Oct 3, 2013

By: \_\_\_\_\_



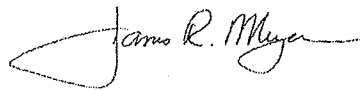
David J. Davis, Esq.  
M. Tally George, Esq.  
BAKER & MCKENZIE LLP  
300 E RANDOLPH STREET, SUITE 5000  
CHICAGO, IL 60601  
**Attorneys for Applicant**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing  
RESPONSE TO ORDER TO SHOW CAUSE AND REQUEST ON CONSENT TO SUSPEND  
PROCEEDINGS was served this 4th day of October, 2013, on counsel of record for

Applicant by e-mail:

David J. Davis, Esq.  
David.Davis@bakermckenzie.com  
Tally.George@bakermckenzie.com  
BAKER & MCKENZIE LLP  
300 E RANDOLPH STREET, SUITE 5000  
CHICAGO, IL 60601



---

Attorney for Opposer