

ESTTA Tracking number: **ESTTA406289**

Filing date: **04/29/2011**

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

Proceeding	91190897
Party	Defendant The Allan Candy Company Limited
Correspondence Address	Kenneth D. Suzan Hodgson Russ LLP 140 Pearl Street, Suite 100, The Guaranty Building Buffalo, NY 14202 UNITED STATES ksuzan@hodgsonruss.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Kenneth D. Suzan
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Signature	/Kenneth D. Suzan/
Date	04/29/2011
Attachments	TREMORSSUSP.pdf (4 pages)(32785 bytes)

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

HERSHEY CHOCOLATE & CONFECTIONERY CORPORATION	:	In the Matter of Service Mark
	:	Application Serial No.
	:	77/578,827
-and-	:	Filed September 25, 2008
	:	For: Registration of
THE HERSHEY COMPANY	:	ALLAN TREMORS TROPICAL
Opposer	:	CITRUS EXPLOSION
	:	in International Class 30
v.	:	published on January 6, 2009
	:	
THE ALLAN CANDY COMPANY LIMITED,	:	
	:	CONSOLIDATED PROCEEDING
Applicant.	:	
<hr/>		x
		Parent Case
		Opposition No. 91190897

CONSENTED MOTION TO SUSPEND PROCEEDINGS

Applicant moves with the consent of Opposer to suspend the above-captioned proceeding for **seven (7) days**, because the parties both believe that good cause exists to suspend the proceedings to allow the parties to reach a potential settlement. In addition, the parties propose that the ANSWER be due on May 9, 2011 in connection with the consolidated proceedings. The parties jointly submit that a suspension will help minimize their attorneys' fees and minimize the time imposition on the Trademark Trial and Appeal Board and its personnel.

On April 28, 2011 Paul C. Llewellyn, counsel to Opposer and on behalf of Opposer, consented by e-mail to this request.

At such time as the action is removed from suspension, if it is not settled, a new discovery and trial period schedule will be jointly proposed by Opposer and Applicant.

Accordingly, both parties move, with the Board's approval, that this proceeding be suspended for **seven (7) days** and that Answer be due on May 9, 2011.

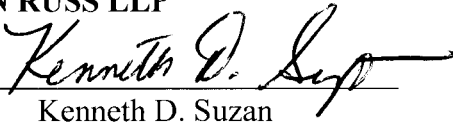
This stipulated motion is not made for the purpose of delay. The purpose of this stipulated motion is to allow the parties to reach a potential settlement acceptable to both parties. If settlement is reached, time will be needed to memorialize an agreement.

This consented motion is being submitted electronically via ESTTA.

Dated: Buffalo, New York
April 29, 2011

Respectfully submitted,

HODGSON RUSS LLP

By: 


Kenneth D. Suzan

Attorneys for The Allan Candy Company Limited
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Buffalo, NY 14202
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CERTIFICATE OF SERVICE

I, Kenneth D. Suzan, hereby certify that a true and correct copy of the foregoing *Consented Motion to Suspend Proceedings* was served on April 29, 2011 by first-class mail in a postage prepaid envelope addressed to:

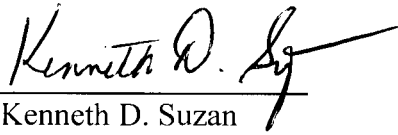
Paul C. Llewellyn, Esq.
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

A handwritten signature in black ink, appearing to read "Kenneth D. Suzan", written over a horizontal line.

Kenneth D. Suzan

CERTIFICATE OF FILING

I hereby Certify that this *Consented Motion to Suspend Proceedings* is being electronically filed with the Trademark Trial and Appeal Board on April 29, 2011.



Kenneth D. Suzan