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Filing date: **12/21/2009**

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

Proceeding	91192533
Party	Defendant The Allan Candy Company Limited
Correspondence Address	LORI K. HALL; GOWLING LAFLEUR HENDERSON 1 MAIN STREET WEST HAMILTON; ONTARIO L8P4Z5 ONTARIO, CANADA 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	12/21/2009
Attachments	Hershey Const Mtn.pdf ( 4 pages )(87154 bytes )

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

	:	In the Matters of:
	:	
	:	Trademark Application
	:	Serial No. 77/578,827
	:	Filed September 25, 2008
	:	For: Registration of
	:	ALLAN TREMORS TROPICAL
	:	CITRUS EXPLOSION
	:	in International Class 30
	:	published on January 6, 2009
	:	Opposition No. 91190897
	:	
	:	Trademark Application
	:	Serial No. 77/268,291
	:	Filed August 30, 2007
	:	For: Registration of
	:	ALLAN VOLCANIC TREMORS
	:	in International Class 30
	:	published on July 7, 2009
	:	Opposition No. 91192533
	:	
	:	Trademark Application
	:	Serial No. 77/268,488
	:	Filed August 30, 2007
	:	For: Registration of
	:	ALLAN TREMORS
	:	in International Class 30
	:	published on July 14, 2009
	:	Opposition No. 91192535
	x	

HERSHEY CHOCOLATE &  
CONFECTIONERY CORPORATION

-and-

THE HERSHEY COMPANY

Opposer

v.

THE ALLAN CANDY COMPANY LIMITED,

Applicant

**CONSENTED MOTION TO SUSPEND PROCEEDINGS**

Applicant moves with the consent of Opposer to suspend the above-captioned proceedings for **thirty (30) 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 ANSWERS be due on January 24, 2010 for all three above-captioned

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 December 21, 2009, Paul C. Llewellyn, counsel to Opposer and on behalf of Opposer, consented by electronic mail to these requests.

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 these proceedings be suspended for **thirty (30) days** and that Answers be due on January 24, 2010.

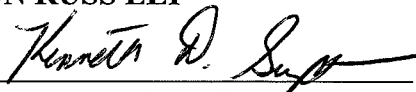
This stipulated motion is not made for the purpose of delay. The purpose of this stipulated motion is to allow the parties to reach a potential settlement acceptable to both parties. If settlement is reached, time will be needed to memorialize an agreement.

This consented motion is being submitted electronically via ESTTA.

Dated: Buffalo, New York  
December 21, 2009

Respectfully submitted,

**HODGSON RUSS LLP**

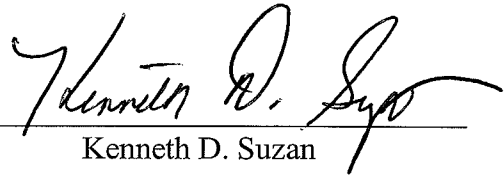
By:   
Kenneth D. Suzan

Attorneys for The Allan Candy Company Limited  
140 Pearl Street, Suite 100  
Buffalo, NY 14202  
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**CERTIFICATE OF SERVICE**

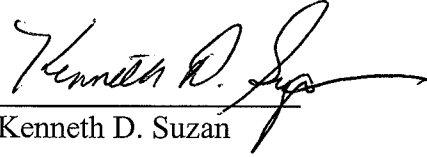
I, Kenneth D. Suzan, hereby certify that a true and correct copy of the foregoing *Consented Motion to Suspend Proceedings* was served on December 21, 2009 by first-class mail in a postage prepaid envelope addressed to:

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

  
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 December 21, 2009.

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

Kenneth D. Suzan