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

Proceeding	92048912
Party	Plaintiff Vinedos Y Bodegas Corpora S.A.
Correspondence Address	Robert Alpert, Esq. 26 West 61st Street New York, NY 10023 UNITED STATES ralpert@ladas.com
Submission	Other Motions/Papers
Filer's Name	Robert Alpert, Esq.
Filer's e-mail	ralpert@ladas.com, jvillapol@ladas.com, rroa@ladas.com, ssilverstein@ladas.com
Signature	/RA/
Date	04/25/2008
Attachments	Motion on Consent for Suspension Cancellation No. 92,048,912.pdf (4 pages) (99272 bytes)

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

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VINEDOS Y BODEGAS CORPORA S.A., :
:
Petitioner, : Cancellation No. 92048912
:
v. : Registration No. 3157121
:
BODEGAS PORTIA, S.L., : Registration No. 3346964
:
Respondent. :
:
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MOTION ON CONSENT FOR SUSPENSION

Petitioner hereby moves, on consent, for a suspension of this cancellation pending the Board's disposition of respondent's Consented Motion to Correct Office Mistake, filed on April 21, 2008. Following the Board's disposition of that motion, the parties contemplate moving, on consent, to consolidate the instant cancellation action with a related opposition proceeding between the same parties, *Vinedas y Bodegas Corpora S.A. v. Bodegas Portia, S.L.* - Opposition No. 91182589.

Counsel for respondent, Justin R. Young, Esq., has consented to the suspension requested herein.

BACKGROUND AND REQUEST FOR RELIEF

On February 20, 2008, petitioner commenced the instant cancellation action against two registrations owned by respondent for the marks PORTIA and PORTIA PRIMA (Reg. Nos. 3,157,121 and 3,346,964, respectively) On that same day, petitioner also commenced Opposition

No. 91182589 against respondent's PORTIA PLENA Application No. 79/032,492. The Board has set identical discovery and trial deadlines in both proceedings. Discovery is currently scheduled to open in both proceedings on May 1, 2008.

In the meantime, recognizing that one of the subject registrations in this cancellation action had issued in error, respondent (and applicant in the opposition proceeding) Bodegas Portia, S.L., on April 21, 2008, filed in this action a Consented Motion to Correct Office Mistake seeking cancellation of its inadvertently-issued Registration No. 3346964. That motion is currently pending.

While respondent/applicant has filed an answer in the related opposition (but has not yet done so in the instant cancellation action), no discovery has been taken, or disclosures made, in either proceeding. Given the related subject matter, the parties expect to move to consolidate this cancellation and the opposition proceeding after the inadvertently-issued registration has been cancelled.

Accordingly, the parties jointly request a suspension of proceedings in this cancellation pending the Board's disposition of respondent/applicant Bodegas Portia, S.L.'s Consented Motion to Correct Office Mistake, filed on April 21, 2008, which motion would be "dispositive" of one of the registrations at issue (*i.e.*, PORTIA PRIMA Reg. No. 3,346,964). *See* Trademark Rule 2.117(c) ("Proceedings may also be suspended, for good cause, upon motion or a stipulation of the parties approved by the Board.").

A similar motion on consent for suspension is being filed simultaneously in the related opposition action, No. 91182589.

CONCLUSION

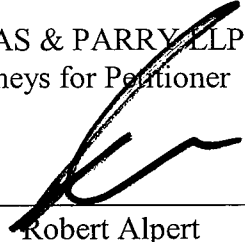
For the reasons set forth above, opposer requests that its Motion on Consent for Suspension be granted.

Respectfully submitted,

LADAS & PARRY LLP
Attorneys for Petitioner

Dated: April 25, 2008

By: _____



Robert Alpert
Joseph J. Villapol
26 West 61st Street
New York, NY 10023
(212) 708-1860

CERTIFICATE OF TRANSMISSION

I, Stella Silverstein, hereby certify that a copy of the foregoing **MOTION ON CONSENT FOR SUSPENSION** has been electronically transmitted to the United States Patent and Trademark Office on the date indicated:

Dated: April 25, 2008


Stella Silverstein

CERTIFICATE OF SERVICE

I, Stella Silverstein, hereby certify that a copy of the foregoing **MOTION ON CONSENT FOR SUSPENSION** was served on the person(s) listed below by e-mail as follows:

Justin R. Young, Esq.
Dineff Trademark Law Limited
160 North Wacker Drive
Chicago, IL 60606
tmlaw@dineff.com

Dated: April 25, 2008


Stella Silverstein