

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

TTAB

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Bridgestone/Firststone Research, Inc. :  
 :  
Opposer, :  
 :  
v. :  
 :  
Wirestone LLC, :  
 :  
Applicant :  
(by assignment and name change) :  
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Opposition No. 91/122,110  
Application Serial No. 75/839,980

MOTION ON CONSENT FOR FURTHER  
SUSPENSION OF PROCEEDINGS AND FOR  
CORRECTION OF THE BOARD'S ORDER OF MAY 19, 2005

Opposer, with the consent of applicant, requests a further six (6) month suspension of proceedings to facilitate completion of settlement negotiations and implementation of an anticipated settlement.

Opposer's motion on consent for an extension of time filed on August 24, 2004 described an upcoming settlement conference to be attended both by counsel and also by principals from both sides. That settlement conference did indeed transpire, in which principals for both sides and their counsel traveled to a common location and met with each other face-to-face.

Since that meeting, substantial progress has been made toward sketching out a basic framework for settlement; but considerable additional work is needed to flesh out all the terms and conditions of the anticipated agreement and to continue negotiations on the details. To allow sufficient time for all of this to be accomplished, it is urged that a further six (6) month



05-25-2005



suspension of proceedings is in order. This proposed suspension, therefore, is requested in good faith and not for purposes of delay.

In addition to the suspension, opposer requests, with applicant's consent, correction of the Board's order of May 19, 2005, which specifies that the discovery period has closed. The order of May 19, 2005 grants the consented motion of August 24, 2004, a copy of which is attached as Exhibit A. That motion, filed before the close of discovery, requested a one hundred twenty (120) day extension of the discovery deadline and all subsequent trial dates. The Board had already granted the motion for extension, however, in an order dated September 13, 2004, a copy of which is attached as Exhibit B. The September 13, 2004 order also suspended proceedings at a time when, based on the granting of the consented motion, the discovery period was being simultaneously extended for one hundred twenty (120) days from its closing date. In other words, there has never been a time in which the discovery period in this case has expired. Also, the September 13, 2004 order states with respect to the suspension that, in the event there is no word from either party, "the Board will issue an order resuming proceedings and resetting trial dates, including the time for discovery." [Emphasis added.] Accordingly, in the Board's order of May 19, 2005, which was apparently issued without realization of the existence of its order of September 13, 2004, the discovery period should not have been designated as being closed.

For these reasons, it is requested that, in acting on this motion to suspend proceedings, the Board also act to correct its order of May 19, 2005 and to indicate that -- upon resumption of proceedings -- a new discovery deadline will be set that will allow the parties ample time to complete discovery in the now apparently unlikely event that settlement cannot be achieved.

Applicant's counsel, Jonathan Z. King, has indicated the applicant's consent to this motion for suspension and for correction of the Board's May 19, 2005 order.

In view of the foregoing, favorable action on this consented motion is respectfully urged.

Respectfully submitted,



Peter G. Mack  
FOLEY & LARDNER LLP  
Washington Harbour  
3000 K Street, N.W., Suite 500  
Washington, D.C. 20007-5109  
Telephone (202) 672-5300

Attorney for Opposer

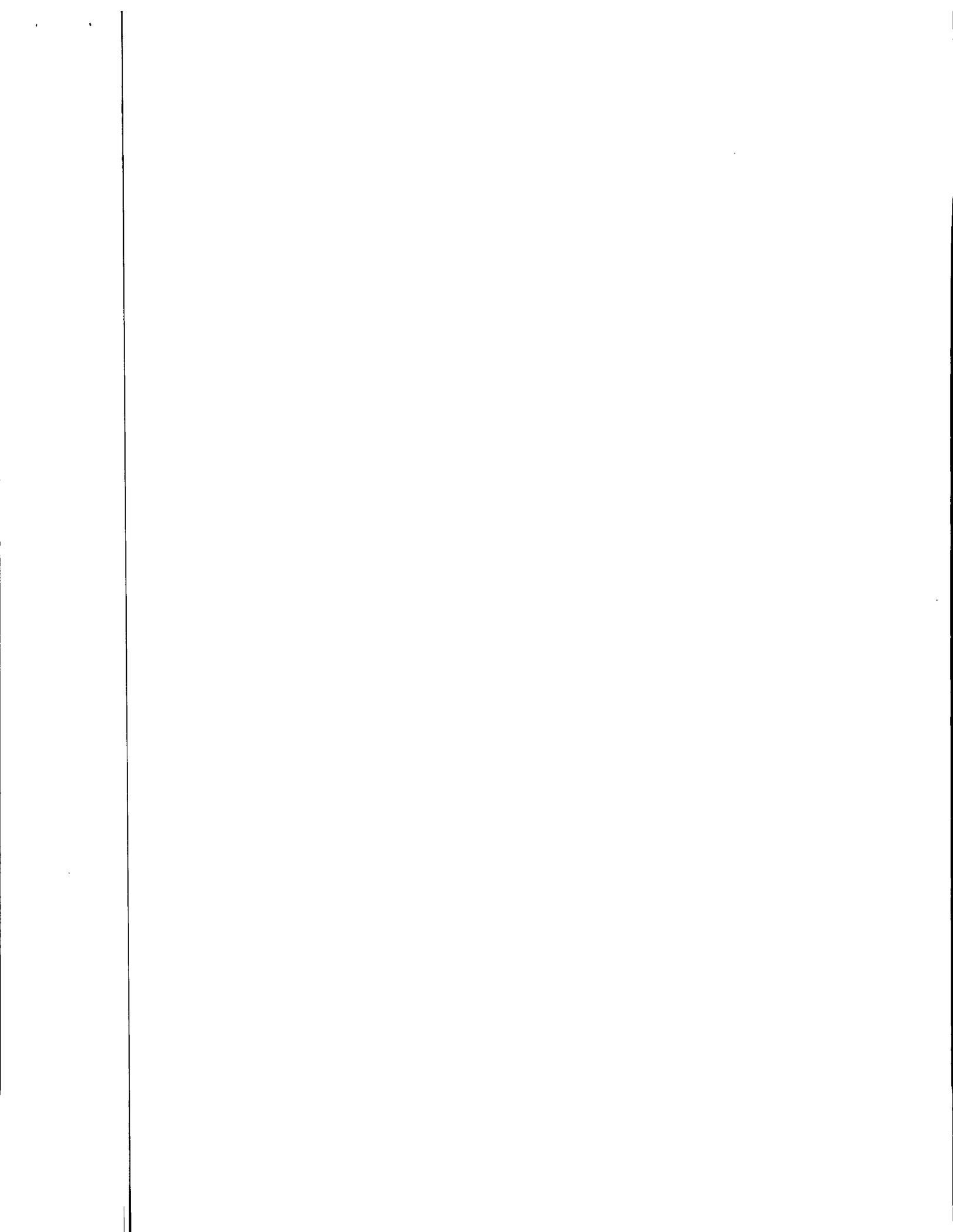
Dated: May 25, 2005

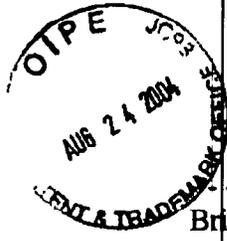
CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION ON CONSENT FOR FURTHER  
SUSPENSION OF PROCEEDINGS AND FOR COLLECTION OF THE BOARD'S ORDER  
OF MAY 19, 2005 was served on counsel for Applicant this 25<sup>th</sup> day of May, 2005, by mailing a  
true copy thereof via First Class U.S. Mail, postage prepaid, addressed to the following:

Mr. Jonathan Z. King, Esq.  
Cowan, Liebowitz & Latman  
1133 Avenue of the Americas  
New York, NY 10036

By:   
Peter G. Mack  
Foley & Lardner LLP





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

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Bridgestone/Firststone Research, Inc.

Opposer,

v.

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Applicant

(by assignment and name change)  
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Opposition No. 91/122,110

Application Serial No. 75/839,980

OPPOSER'S CONSENTED TO MOTION FOR A ONE HUNDRED TWENTY (120)  
DAY EXTENSION OF DISCOVERY AND TRIAL DATES

Opposer respectfully requests a one hundred twenty (120) day extension of the discovery  
deadline and all subsequent trial dates.

This extension request is submitted in good faith and not for purposes of delay. In this  
regard, the parties have scheduled a settlement conference for September 27, 2004, which  
conference will be attended both by counsel and also by principals from both sides. The  
requested extension is necessary to accommodate this upcoming settlement conference and  
thereafter to leave sufficient time for the parties to work toward completing discovery, if,  
following the conference, it then appears that settlement is unlikely.



Accordingly, Opposer respectfully moves that the Board extend the close of the discovery period in these proceedings by one hundred twenty days, to and including January 2, 2005. It is further requested that all subsequent dates and deadlines in this proceeding be re-set by one hundred twenty days as follows:

30-day Testimony Period  
for party in position of  
Plaintiff to close: April 2, 2005

30-day Testimony Period  
for party in position of  
Defendant to close: June 1, 2005

15-day rebuttal Testimony  
Period for party in Plaintiff  
to close: July 16, 2005

Applicant's counsel, Jonathan Z. King, has consented to this extension request.

In view of the foregoing, favorable action on this consented motion is respectfully requested.

Respectfully submitted,



Peter G. Mack  
Geoffrey M. McNutt  
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Washington Harbour  
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Washington, D.C. 20007-5109  
Telephone (202) 672-5300

Attorneys for Opposer

Dated: August 24, 2004

CERTIFICATE OF SERVICE

I hereby certify that the foregoing OPPOSER'S CONSENTED TO MOTION FOR A ONE HUNDRED TWENTY (120) DAY EXTENSION OF DISCOVERY AND TRIAL DATES was served on counsel for Applicant this 24<sup>th</sup> day of August, 2004, by facsimile and mailing a true copy thereof via First Class U.S. Mail, postage prepaid, addressed to the following:

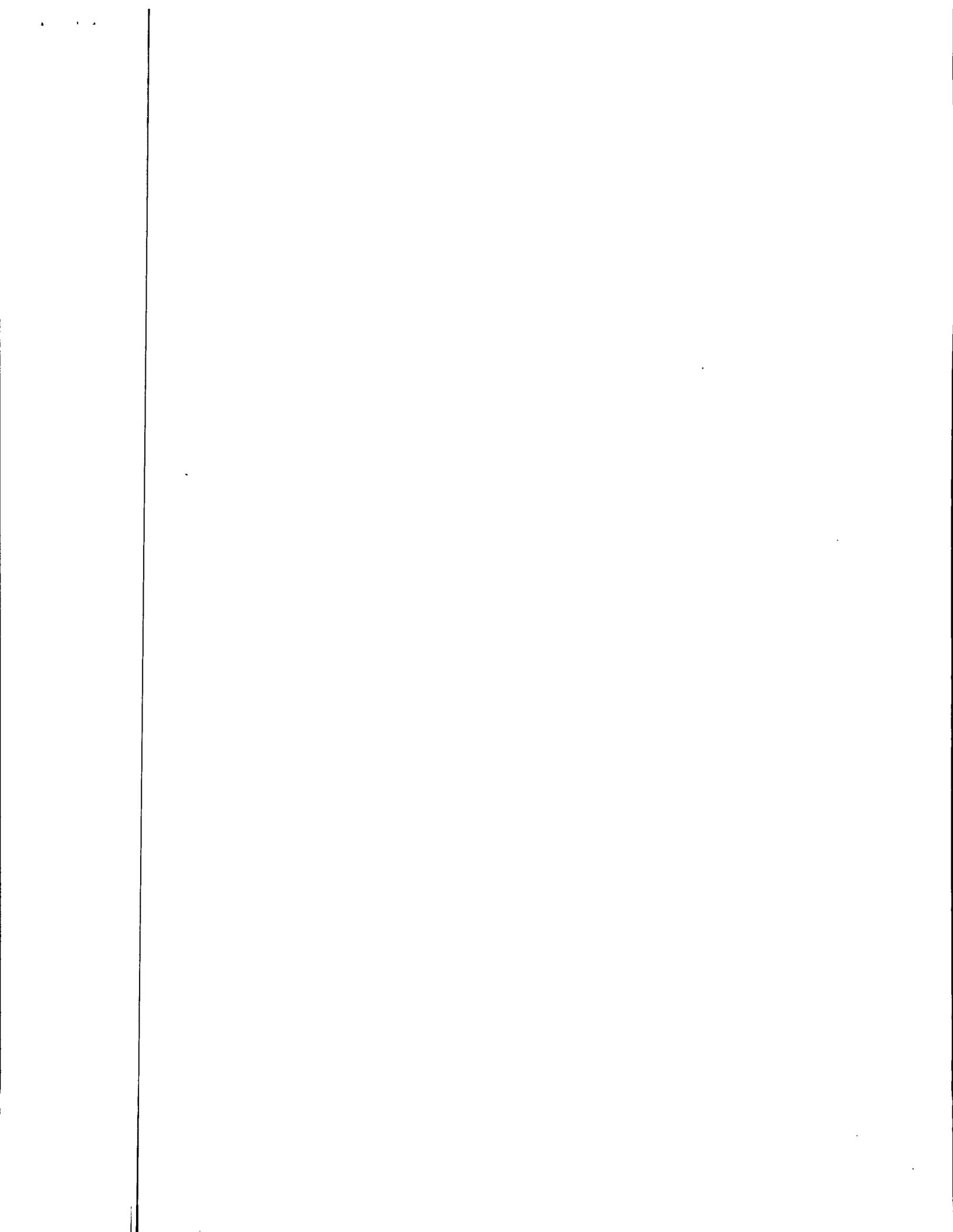
Mr. Jonathan Z. King, Esq.  
Cowan, Liebowitz & Latman  
1133 Avenue of the Americas  
New York, NY 10036

By:



Peter G. Mack  
Foley & Lardner LLP

**EXHIBIT B**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: September 13, 2004

Opposition No. 91122110

BRIDGESTONE/FIRESTONE  
RESEARCH, INC.

v.

WIRESTONE ACQUISITION, LLC

Denise M. DelGizzi, Paralegal Specialist

Plaintiff's consented motion, filed August 24, 2004, to extend the close of discovery and testimony periods, is granted as modified. Inasmuch as the parties are negotiating for possible settlement of this case, proceedings herein are suspended until **six months** from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations within the next six months, the Board will issue an order resuming proceedings and resetting trial dates, including the time for discovery.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.