

ESTTA Tracking number: **ESTTA261864**

Filing date: **01/21/2009**

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

Proceeding	91160122
Party	Plaintiff Wilhelm Sihn Jr.,KG
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Submission	Motion to Suspend for Settlement Discussions
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Date	01/21/2009
Attachments	91160122.pdf (4 pages)(130626 bytes)

parties. The possible settlement of this matter will alleviate the need for the pursuit of the Opposition proceedings. Additional time is needed to negotiate a possible settlement, draft the settlement papers, obtain signatures of the parties upon settlement papers, and to possibly seek the Trademark Office's approval of an application which might be filed by the Applicant in accordance with the terms of the proposed settlement between the parties.

The parties through counsel believe that they will be able to continue to progress towards settlement. Some delays have occurred with the prior holiday time period in Europe, as well as due to the foreign entity being involved, that there is also a related opposition which adds further complexity, and due to a change of corresponding instructing counsel of Opposer based in Germany, and because of changes with instructing counsel involved, but the parties remain still fully optimistic that this matter and a related opposition are on a settlement track for resolution. Additional delays occurred because of the change of foreign contact counsel representing the Opposer. Further delay was caused by the busy litigation scheduling of lead counsel and the busy work and travel related scheduling of foreign based counsel. Lead counsel for Opposer has been busy on several recent Federal TRO or Preliminary Injunction matters for Federal

Court cases. Settlement activities have included the earlier actual creation of a settlement related document with circulation and review, as well as continuing discussions on efforts to finalize settlement. It is believed that this matter continues to be on a settlement track.

This Motion is not being submitted for any purpose of delay.

As this motion is consented to by Applicant's attorney, it is respectfully requested that it be granted and this case be suspended beginning with the date for the Applicant to Answer the Opposition Petition, the Discovery time period and all subsequent time periods being reset. Either party wishes to resume the right to reactivate the proceedings should it appear appropriate with the Applicant having its Answer due sixty (60) days after the reinstatement of this opposition proceedings.

Respectfully submitted,

By:


Burton S. Ehrlich, One of the
Attorneys for Opposer

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper is being electronically filed with the United States Patent and Trademark Office on this 21st day of January, 2009.



Burton S. Ehrlich

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing AGREED MOTION BY CONSENT FOR SUSPENSION OF PROCEEDINGS AND RESETTING OF APPLICANT'S ANSWER was sent via e-mail to jhyman@kmob.com and was also deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Jonathan A. Hyman, Knobbee, Martens, Olson & Bear, LLP, 1901 Avenue of the Stars, Suite 1500, Los Angeles, CA 90067, this 21st day of January, 2009.



Burton S. Ehrlich