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THAB

February 22, 2005

*VIA EXPRESS MAIL*

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

RE: Mark: CAB CALLOWAY  
Serial No.: 75/761,159  
Opposition No.: 91/1160,266

Dear Sir/Madam:

We are associate counsel for Applicant Creative Arts by Calloway, LLC in the above-referenced matter. Enclosed please find our client's Motion to Suspend and supporting Declaration of Cabella Calloway Langsam. Please return a conformed copy of the enclosed to our office in the provided envelope.

Thank you.

Sincerely yours,

KARLIN & KARLIN  
A PROFESSIONAL LAW CORP.

*Marc A. Karlin*  
MARC A. KARLIN

MAK:wp  
enc.



02-24-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #39

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

In the Matter of Application Serial No. 75/761,159  
Mark: CAB CALLOWAY

\_\_\_\_\_ X

CHRISTOPHER BROOKS,

Opposer,

Opposition No. 91/160, 266

-v.-

CREATIVE ARTS BY CALLOWAY, LLC,

Applicant.

\_\_\_\_\_ X

**APPLICANT'S MOTION TO SUSPEND**

COMES NOW Applicant, Creative Arts by Calloway, LLC, a Delaware Limited Liability Company, and hereby moves to suspend both its application for the mark CAB CALLOWAY, Serial Number 75/761,159, as well as all related proceedings, including the pending Motion for Summary Judgment of Opposer Christopher Brooks, filed December 30, 2004. Applicant



respectfully requests a suspension of six (6) months.

This motion is premised upon TBMP §§ 510 and 510.03(a) [37 C.F.R. §2.117(c)], and is supported by the accompanying Declaration of Cabella Calloway Langsam, a member of Applicant.

First, several of the other members of Applicant, including Cab Calloway's widow, Zulme Calloway, and Mr. Calloway's daughter, Chris Calloway, have been very ill for the last sixty (60) days. Due to their respective illnesses, Applicant could not conduct business, *including the gathering of information and evidence in opposition to Opposer's Motion for Summary Judgment*, in the normal course. Cabella Langsam has spent an inordinate amount of time within the last sixty (60) days personally caring for both Zulme Calloway and Chris Calloway; thus, keeping her from Applicant's business affairs.

Second, Applicant and Opposer are engaged in settlement negotiations. However, for the reasons set forth in the proceeding paragraph, Applicant's ability to respond to Opposer's settlement proposals has been severely hampered.

Third, as of February 18, 2005, Applicant is no longer represented by the firm of Kelly, Drye & Warren. Applicant requires a reasonable amount of time to obtain new primary counsel to represent its interests in this matter.

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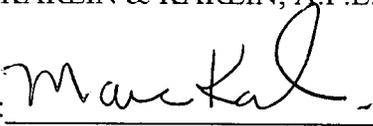
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For these reasons, Applicant asserts that good cause exists for the requested suspension,  
and that this matter be suspended for a period of six (6) months.

Respectfully submitted,

KARLIN & KARLIN, A.P.L.C.

By: 

Marc A. Karlin  
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Fax: (213) 383-1166  
Associate Attorneys for Applicant

Date: February 21, 2005

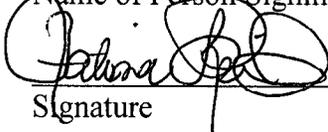
**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service, "Express Mail Post Office to Addressee" service on the date indicated below and is addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria VA 22313-1451.

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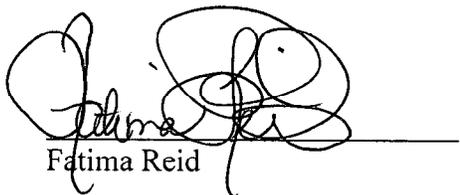
Date of Deposit: February 22, 2005.

Name of Person Signing Certificate: Fatima Reid

  
Signature

**CERTIFICATE OF MAILING**

The undersigned hereby certifies that she caused a copy of the foregoing Applicant's Motion for Summary Judgment and Declaration of Cabella Calloway Langsam to be served by first class mail postpaid this 22<sup>st</sup> day of February 2005 upon Opposer's attorneys of record in this matter: Barbara A. Solomon, Evan Gourvitz, 866 United Nations Plaza, New York, NY 10017.



Fatima Reid

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

In the Matter of Application Serial No. 75/761,159  
Mark: CAB CALLOWAY

\_\_\_\_\_ X

CHRISTOPHER BROOKS,

Opposer,

Opposition No. 91/160, 266

-v.-

CREATIVE ARTS BY CALLOWAY, LLC,

Applicant.

\_\_\_\_\_ X

**DECLARATION OF CABELLA CALLOWAY LANGSAM**  
**IN SUPPORT OF MOTION TO SUSPEND**

I, Cabella Calloway Langsam, declare under the penalty of perjury as follows:

1. I am a member of Creative Arts by Calloway, LLC, a Delaware Limited Liability Company, and the Applicant for the mark, CAB CALLOWAY, Serial No. 75/761,159.



02-24-2005

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2. I have personal knowledge of all facts set forth upon this Declaration.
3. By the accompanying motion, Applicant hereby moves to suspend all proceedings in this matter, including the pending Motion for Summary Judgment of Opposer Christopher Brooks, filed on December 30, 2004. Applicant respectfully requests a suspension period of six (6) months.
4. First, several of the other members of Applicant, including my mother, Cab Calloway's widow, Zulme Calloway, and my sister, Chris Calloway, have been very ill for the last sixty (60) days. Due to their respective illnesses, Applicant could not conduct business, including the gathering of information and evidence in opposition to Opposer's Motion for Summary Judgment, in the normal course. Moreover, I have spent an inordinate amount of time within the last sixty (60) days personally caring for both my mother and sister, thus keeping me from Applicant's business affairs, including the subject matter.
5. Second, Applicant and Opposer are engaged in settlement negotiations. Opposer wishes to include Chris Calloway, in her individual capacity, as an additional party to the settlement negotiations. However, due to Chris Calloway's physical condition, this has not been possible. Also, due to the above-referenced illnesses by Applicant's other members, Applicant's ability to respond to Opposer's settlement proposals has been severely hampered.
6. Third, as of February 18, 2005, Applicant is no longer represented by the law firm of Kelly, Drye & Warren. Karlin & Karlin will continue to act as associate counsel for Applicant; however, Applicant requires a reasonable amount of time to obtain new primary counsel to represent its interests in this matter.

7. For the above-stated reasons, Applicant seeks a six (6) month suspension.

I declare under the penalty of perjury according to the laws of the United States of America that the foregoing is true and correct.

Executed this twenty-first day of February 2005, at Hockessin, Delaware.

*Cabella Calloway Langsam*  
Cabella Calloway Langsam