

ESTTA Tracking number: **ESTTA308816**

Filing date: **09/29/2009**

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

Proceeding	91165229
Party	Plaintiff Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company
Correspondence Address	Rosemary S. Tarlton Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105 UNITED STATES Rtarlton@mofo.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Rosemary S. Tarlton
Filer's e-mail	rtarlton@mofo.com, lsimpson@mofo.com
Signature	/Rosemary S. Tarlton/
Date	09/29/2009
Attachments	Consented Suspension Request - Oakland As.pdf (3 pages)(122000 bytes)

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

ATHLETICS INVESTMENT GROUP LLC, D/B/A THE
OAKLAND ATHLETICS BASEBALL COMPANY

Opposer,

v.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF
ALABAMA,

Applicant.

Opposition No. 91165229

Trademark Trial and Appeal Board
Commissioner of Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

CONSENTED SUSPENSION REQUEST

Opposer, Athletics Investment Group LLC, d/b/a the Oakland Athletics Baseball Company, and Applicant, The Board of Trustees of The University of Alabama seek a further three (3) month suspension of all proceedings in the above-captioned opposition action. Counsel for the parties have been negotiating the terms of a settlement that, once finalized, will resolve all issues in the above-referenced proceeding. The finalization of the settlement terms has taken considerable time and effort as it relates to several marks applied for and/or used by Applicant. All issues remain subject to final resolution, and the parties cannot identify terms that have been finally resolved as all must be memorialized in the final written settlement agreement, which the parties are currently negotiating. The open issues include the specific guidelines, clarifications and limitations on the use of the disputed marks.

No discovery has been taken in these matters to date. The general terms of the coexistence of the parties' marks and the use and registration of the disputed mark have been the

Opposition to Serial Nos. 76/212,457 and 76/976,853
Opposition No. 91165229
Docket No. 52933-24003.35

subject of the ongoing negotiation. Counsel for the parties have been reviewing and revising a written draft settlement that will resolve the disputed issues in this opposition. On July 20, 2009, Counsel for Opposer provided comments to counsel for Applicant regarding certain terms relating to the coexistence framework used in this draft agreement, as well as in another draft agreement being negotiated between the counsel. Counsel for the parties continued negotiations of this issue and exchanged correspondence and drafts on this issue on August 4, 2009 and August 7, 2009, as well as September 8, 2009, September 14, 2009 and September 15, 2009. On September 29, 2009, counsel for Applicant confirmed Applicant's agreement to the terms forwarded by Opposer's counsel on September 8, 2009, which Opposer's counsel is now working to incorporate into the written agreement relating to this proceeding. The parties will work conscientiously on the finalization of the written settlement agreement, and counsel for Opposer expects to have the final written agreement finalized before November 30, 2009.

Counsel for Applicant, David Kera, has consented to this request.

This request is being submitted as required by TBMP 509.02. A copy of this document is being served on counsel for Applicant.

Dated: September 29, 2009

MORRISON & FOERSTER LLP

By: _____


Rosemary S. Tarlton
Attorney for the Club

Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105
Telephone: (415) 268-6810

Opposition to Serial Nos. 76/212,457 and 76/976,853
Opposition No. 91165229
Docket No. 52933-24003.35

PROOF OF SERVICE BY MAIL

I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on September 29, 2009, I served a copy of:

CONSENTED SUSPENSION REQUEST

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster's ordinary business practices:

David J. Kera, Esq.
Jeffrey M. Kaufman, Esq.
Oblon, Spivak, McClelland, Maier &
Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314-3454

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 29th day of September, 2009.

Lorna Simpson
(typed)



(signature)

Opposition No. 91165229
Docket No. 52933-24003.35