

ESTTA Tracking number: **ESTTA226457**

Filing date: **07/25/2008**

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

Proceeding.	91176496
Applicant	Plaintiff Outback/Fleming's LLC
Other Party	Defendant Fleming Corporation of Kansas

### **Motion for Suspension for Settlement With Consent**

The parties are actively engaged in negotiations for the settlement of this matter. Outback/Fleming's LLC requests that this proceeding be suspended for 180 days to allow the parties to continue their settlement efforts.

Proceedings Resume : 01/22/2009

Discovery Period to Close : 05/22/2009

Thirty-day testimony period for party in position of plaintiff to close : 08/20/2009

Thirty-day testimony period for party in position of defendant to close : 10/19/2009

Fifteen-day rebuttal testimony period to close : 12/03/2009

Outback/Fleming's LLC has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Outback/Fleming's LLC has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,

/Brandt Gebhardt/

Brandt W. Gebhardt

bgebhardt@bakerlaw.com, ryang@bakerlaw.com, clevelandip@bakerlaw.com

drein@blackwellsanders.com

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