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

Proceeding	91176496
Party	Plaintiff Outback/Fleming's LLC
Correspondence Address	Deborah A. Wilcox Baker & Hostetler LLP 1900 East 9th Street, Suite 3200 Cleveland, OH 44114 UNITED STATES clevelandip@bakerlaw.com, bgebhardt@bakerlaw.com, dwilcox@bakerlaw.com
Submission	Motion to Suspend for Settlement Discussions
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Signature	/Deborah A. Wilcox/
Date	02/17/2010
Attachments	renewed stipulation.pdf (4 pages)(104120 bytes)

VIA ELECTRONIC SYSTEM FOR
TRADEMARK TRIALS AND APPEALS ("ESTTA")
DATE OF FILING: FEBRUARY 17, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In The Matter Of Application Serial No. 78/486,405
Published In The *Official Gazette*, November 28, 2006

OUTBACK/FLEMING'S LLC,)	
)	
Opposer,)	Opposition No. 91176496
)	
v.)	
)	
FLEMING CORPORATION OF KANSAS,)	
)	
Applicant.)	
)	

**RENEWED STIPULATED MOTION TO SUSPEND FOR SETTLEMENT
DISCUSSIONS AND REPORT ON SETTLEMENT PROGRESS**

Reference is made to the parties' Stipulated Motion to Suspend for Settlement Discussions filed in connection with this proceeding on January 29, 2010 and the Board's Order dated February 16, 2010 denying the Motion without prejudice. The parties respectfully submit this report on the progress of their settlement discussions.

The parties have held detailed settlement discussions addressing terms for a coexistence arrangement in the marketplace, and have tentatively agreed to certain terms while negotiating remaining open issues. On December 31, 2009, Opposer made the latest written counter-proposal to the Applicant. On January 26, 2010, and again on February 16, 2010, Applicant's counsel advised that he was seeking his client's further instructions. The parties are working diligently to attempt to finalize the settlement terms by March 30, 2010.

WHEREFORE, having shown good cause that this proceeding be suspended for the purpose of settlement negotiations, the Parties request that the Board approve the foregoing Renewed Stipulated Motion to Suspend for Settlement Discussions.

Date: February 17, 2010

Respectfully submitted,

BAKER & HOSTETLER LLP

/s/ Deborah A. Wilcox

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CERTIFICATE OF FILING

I hereby certify that the foregoing Renewed Stipulated Motion to Suspend for Settlement Discussions and Report on Settlement Progress was electronically filed on February 17, 2010, through the Electronic System for Trademark Trials and Appeals.

/s/ Deborah A. Wilcox
Deborah A. Wilcox

CERTIFICATE OF SERVICE

A copy of the foregoing Supplemental Stipulated Motion to Suspend for Settlement Discussions was served upon Applicant's counsel of record by U.S. Mail on February 17, 2010, addressed as follows:

David L. Rein
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An electronic courtesy copy of the foregoing was sent to drein@blackwellsanders.com and david.rein@huschblackwell.com.

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