

ESTTA Tracking number: **ESTTA201937**

Filing date: **04/01/2008**

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

|             |                              |
|-------------|------------------------------|
| Proceeding. | 91176920                     |
| Applicant   | Plaintiff<br>Durance         |
| Other Party | Defendant<br>Apex Energetics |

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

The parties are actively engaged in negotiations for the settlement of this matter. Durance requests that this proceeding be suspended for 90 days to allow the parties to continue their settlement efforts.

Proceedings Resume : 07/01/2008  
Discovery Period to Close : 10/29/2008  
Thirty-day testimony period for party in position of  
plaintiff to close : 01/27/2009  
Thirty-day testimony period for party in position of  
defendant to close : 03/28/2009  
Fifteen-day rebuttal testimony period to close : 05/12/2009

Durance has secured the express consent of all other parties to this proceeding for the suspension requested herein.

Durance 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 Facsimile or email (by agreement only) on this date.

Respectfully submitted,  
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04/01/2008