

ESTTA Tracking number: **ESTTA372207**

Filing date: **10/07/2010**

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

Proceeding	91186373
Party	Defendant Weather Decision Technologies, Inc.
Correspondence Address	Fred W. Hathaway Buchanan Ingersoll & Rooney PC 1737 King St.Suite 500 Alexandria, VA 22314 UNITED STATES fred.hathaway@bipc.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Fred W. Hathaway
Filer's e-mail	fred.hathaway@bipc.com
Signature	/FWH/
Date	10/07/2010
Attachments	AutoStoreFile-5603D1BC8EB2.pdf ( 4 pages )(130267 bytes )

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

Roscoe M. Moore III,	)	
	)	
Opposer,	)	
	)	
v.	)	
	)	Opposition No. 91/186,373
	)	
Weather Decision Technologies, Inc.	)	
	)	
Applicant.	)	
	)	
Weather Decision Technologies, Inc.,	)	
	)	
Petitioner,	)	Cancellation No. 92/050,095
	)	
v.	)	Cancellation No. 92/050,102
	)	
Roscoe M. Moore III,	)	
	)	
Respondent.	)	
	)	
Attorney Docket No. 0078370-000001	)	
	)	

**CONSENTED TO MOTION FOR SUSPENSION**

Applicant/Petitioner Weather Decision Technologies, Inc. ("Applicant" or "Petitioner") and Opposer/Respondent Roscoe M. Moore III ("Opposer" or "Respondent") respectfully move for suspension of the above-captioned proceeding for three months while the parties continue with and complete settlement discussions. With regard to the Board's statements in the Order of June 28, 2010 (see Order at p. 8), as set forth below there is good cause for this motion to suspend for settlement.

Since the Board's Order, Petitioner/Applicant has changed counsel. (See filing of July 15, 2010.) Further, the parties have more actively engaged in settlement negotiations regarding this

consolidated proceeding and have made significant progress. There are many issues raised by these three proceedings. On October 4, 2010 the parties shared an eight-page draft settlement agreement with attached draft stipulation of dismissal of the above-captioned proceedings. That document represents the first shared draft agreement to address and seek to resolve all issues raised between the parties, including both those pleaded in these proceedings and business issues related to the marks at issue that the parties also must resolve.

Further to the requirements of the Board's Order of June 28, the parties confirm that agreement on some provisions in the agreement has been reached. As stated by Opposer/Respondent in his granting of consent to this motion to suspend, "... [the] changes [in] the [October 4] settlement agreement look more like what [was] discussed previously [between the principals]. ... We have definitely made progress ..." The previous settlement discussions had been undertaken with Applicant/Petitioner represented by prior counsel. For uncertain reasons, apparently certain terms that the principals had discussed and generally agreed to previously was not being fully reflected in the settlement agreement then being proposed and that situation has now changed. Further, for the first time, necessary financial information has been included in the October 4 draft agreement currently under review and consideration. Opponent/Respondent is prepared to review and respond within two weeks to Applicant/Petitioner's October 4 draft, including the financial terms therein. Applicant/Petitioner will consider and respond to those comments soon after.

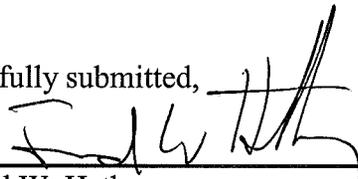
It should be noted that certain financial information that may be necessary for a settlement to be reached is not fully available to Applicant/Petitioner due to the stage that aspects of its business is in. While Applicant/Petitioner has laid out information for the first time in the current draft, it remains possible that the negotiations will require further business information from Applicant/Petitioner that is not yet available. Mindful of the state of the proceedings, the

parties will work toward resolving the negotiations during the currently requested period of suspend regardless of this situation regarding the availability of further financial information.

If the Board grants this motion, then the parties respectfully move that the proceedings would resume with Initial Disclosures coming due on January 3, 2011 and all other dates in the Order of June 29, 2010 being reset accordingly as follows:

Expert Disclosures Due	4/30/2011
Discovery Closes	6/02/2011
Plaintiff's Pretrial Disclosures	7/16/2011
Plaintiff's 30-day Trial Period Ends	8/31/2011
Defendant's Pretrial Disclosures	9/15/2011
Defendant's 30-day Trial Period Ends	10/30/2011
Plaintiff's Rebuttal Disclosures	11/14/2011
Plaintiff's 15-day Rebuttal Period	12/13/2011

Respectfully submitted,

By: 

Fred W. Hathaway  
Buchanan Ingersoll, & Rooney, P.C.  
1737 King Street  
Suite 500  
Alexandria, Virginia 22314-1404  
(703)836-6620

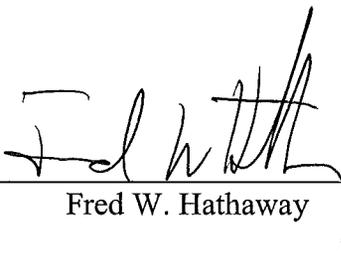
Attorneys for Applicant/Petitioner  
Weather Decision Technologies, Inc.

Dated: October 7, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **CONSENTED TO MOTION FOR  
SUSPENSION** was served this 7th day of October, 2010 via email and U.S. first class mail to  
Roscoe M. Moore, III at the following address:

Roscoe M. Moore III  
d/b/a PeerSat, Inc.  
1111 Army Navy Drive  
Suite 1203  
Arlington, Virginia 22202

  
Fred W. Hathaway