

ESTTA Tracking number: **ESTTA421683**

Filing date: **07/26/2011**

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

Proceeding	91189736
Party	Plaintiff Pizzeria Uno Corporation
Correspondence Address	JOHN L WELCH LOWRIE LANDO & ANASTASI LLP ONE MAIN ST, 11TH FLOOR CAMBRIDGE, MA 02142 UNITED STATES jlwtrademarks@lalaw.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	John L. Welch
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Date	07/26/2011
Attachments	91189736 CONSENTED-TO REQUEST FOR SUSPENSION.pdf (3 pages) (104375 bytes)

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

_____)	
Pizzeria Uno Corporation,)	
)	
Opposer,)	
)	Opposition No.
v.)	91189736
)	
Frank M. Baroudi d/b/a Puro Uno,)	Application
)	S.N. 77619941
Applicant.)	
_____)	

CONSENTED-TO MOTION TO SUSPEND FOR SIXTY DAYS

In its Order dated May 4, 2011, the Board extended the trial dates in this proceeding, as requested by the parties in order to pursue settlement negotiations. In that Order, however, the Board insisted that the parties show good cause if and when seeking further extensions.

The parties have been diligently pursuing settlement, in good faith, for months. Applicant Frank M. Baroudi, who is appearing *pro se*, travels often, and that has slowed the pace of the negotiations. Nonetheless, the parties have made steady progress and this case is now poised on the verge of settlement. Opposer is simultaneously filing, **under seal**, a copy of the latest (and hopefully final) version of the settlement papers. The parties request that those papers be kept in confidence and out of public viewing.

As the Board can see from the draft agreement and exhibits, this opposition will be dismissed without prejudice within ten days after the agreement is signed. In an email communication with the undersigned yesterday, Applicant indicated that he will not be able to review the agreement until at least August 8th.

Therefore, it is respectfully submitted that a sixty-day extension of the current schedule is supported by good cause and is appropriate. Pursuant to this request, the new schedule would be as follows:

Plaintiff's Pretrial Disclosures : 09/29/2011

Plaintiff's 30-day Trial Period Ends : 11/12/2011

Defendant's Pretrial Disclosures : 11/27/2011

Defendant's 30-day Trial Period Ends : 1/11/2012

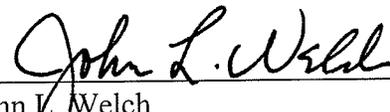
Plaintiff's Rebuttal Disclosures : 1/26/2012

Plaintiff's 15-day Rebuttal Period Ends : 2/26/2012

On the other hand, Opposer respectfully submits there is no good cause for refusal by the Board of this requested extension in light of the state of the negotiations and the mutual desire of the parties to complete the settlement without further litigation expense. A refusal of this request by the Board would only increase costs to the parties and in fact could result in a collapse of the settlement agreement.

Applicant Baroudi has consented to this request in an email exchange with the undersigned on July 25, 2011.

PIZZERIA UNO CORPORATION



John L. Welch
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617/395-7000

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 26th day of July, 2011, a true copy of the foregoing document was served upon Applicant by first-class mail, postage pre-paid, by mailing same to:

Frank M. Baroudi
511 Lake Louise Circle #201
Naples, Florida 34110



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