

ESTTA Tracking number: **ESTTA325183**

Filing date: **01/05/2010**

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

|                        |   |
|------------------------|---|
| Proceeding             | 91191020  |
| Party                  | Plaintiff<br>Heroes, Inc.   |
| Correspondence Address | James L. Bikoff, David K. Heasley<br>Silverberg, Goldman & Bikoff LLP<br>Georgetown Place, 1101 30th Street NW Suite 120<br>Washington, DC 20007<br>UNITED STATES<br>jsplitter@sbgdc.com, dheasley@sbgdc.com, jbikoff@sbgdc.com |
| Submission             | Motion to Suspend for Settlement Discussions  |
| Filer's Name           | Jenny R. Splitter   |
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| Signature              | /jenny r splitter/  |
| Date                   | 01/05/2010  |
| Attachments            | Consent Motion 1.tif ( 3 pages )(9449508 bytes )  |

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

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Heroes, Inc.,

Opposer,

v.

Opposition No. 91191020

Rosenbauer International Aktiengesellschaft,

Applicant.

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**CONSENT MOTION**

Opposer Heroes, Inc. (“Heroes”) moves to withdraw the consent motion filed on January 4, 2010 and suspend this proceeding for 90 days to allow the parties to continue their settlement efforts:

1. The parties are actively engaged in negotiations for the settlement of this matter.
2. As the ESTTA form does not provide for the extension of the deadline to exchange initial disclosures, Heroes moves to suspend the proceedings for 90 days, the dates to be reset as follows:

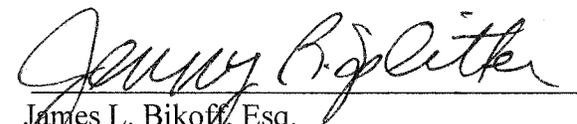
|                                      |                    |
|--------------------------------------|--------------------|
| Time to Answer                       | Closed             |
| Deadline for Discovery<br>Conference | Closed             |
| Discovery Opens                      | Closed             |
| Initial Disclosures Due              | May 14, 2010       |
| Expert Disclosures Due               | September 11, 2010 |

|  |                   |
|--|-------------------|
| Discovery Closes                           | October 11, 2010  |
| Plaintiff's Pretrial Disclosures           | November 25, 2010 |
| Plaintiff's 30-day Trial Period<br>Ends    | January 11, 2011  |
| Defendant's Pretrial Disclosures           | January 24, 2011  |
| Defendant's 30-day Trial Period<br>Ends    | March 10, 2011    |
| Plaintiff's Rebuttal Disclosures           | March 25, 2011    |
| Plaintiff's 15-day Rebuttal Period<br>Ends | April 24, 2011    |

3. Heroes has secured the consent of Applicant Rosenbauer International Aktiengesellschaft in filing this consent motion.

**WHEREFORE**, Opposer Heroes respectfully requests that the proceeding be suspended for 90 days.

**HEROES, INC.**

By:   
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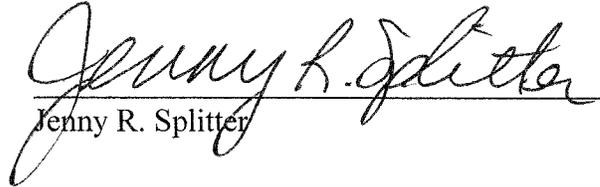
Date: January 5, 2010

**Certificate of Service**

I hereby certify that on this 5th day of January, a copy of the foregoing was sent by email

to:

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