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

Proceeding	91193067
Party	Plaintiff Heidelberg University
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Submission	Motion to Suspend for Settlement Discussions
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Date	05/19/2015
Attachments	51094 - Motion to Suspend _91193067_HU.pdf(27469 bytes)

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

In the Matter of Trademark Application Serial No. 77/636,839
Mark: HEIDELBERG UNIVERSITY
Filed: December 19, 2008
Publication Date: June 23, 2009

HEIDELBERG UNIVERSITY,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91193067
)	
HEIDELBERG UNIVERSITY,)	
)	
Applicant.)	
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MOTION TO SUSPEND WITH CONSENT

Opposer, Heidelberg University, hereby moves, with the consent of Applicant, to suspend the discovery and trial periods for 180 days, as follows:

Time to Answer:	CLOSED
Deadline for Discovery Conference:	CLOSED
Discovery Opens:	CLOSED
Initial Disclosures Due:	CLOSED
Expert Disclosure Due:	11/27/2015
Discovery Closes:	12/27/2015
Plaintiff's Pretrial Disclosures:	02/10/2016
Plaintiff's 30-day Trial Period Ends:	03/26/2016
Defendant's Pretrial Disclosures:	04/10/2016
Defendant's 30-day Trial Period Ends:	05/25/2016
Plaintiff's Rebuttal Disclosures:	06/09/2016

This request is necessitated by good cause, and is not made for purposes of delay. The parties mutually insist that a further suspension of proceedings is necessary, useful, and appropriate.

The parties have been actively negotiating a particular settlement framework since February of 2013. During this time, the parties have routinely exchanged proposals and engaged in extensive discussions regarding the details of this settlement framework. The settlement framework involves not only U.S. rights, but also international rights. The negotiation process has taken longer than desired because of the considerable number and complexity of issues involved. In addition, one of the parties is a foreign entity.

In compliance with the Board's most recent order, the parties report that no additional discovery has been conducted during the present suspension. Previously, interrogatories, requests for admissions, and requests for production of documents were served and responded to by both parties. Should the parties be unable to ultimately reach a settlement, additional discovery would be necessary.

As last reported, the parties had reached an agreement in principle on a settlement framework that would resolve this opposition proceeding. In the parties' previous motion for a suspension, it was stated that the potential settlement needed to be reduced to writing and put in final form for formal approval by the respective parties. Further, the parties stated that a number of minor details still required further discussions between the parties. Subsequently, since the Board's most recent order, the parties have exchanged multiple drafts of the various agreements necessary to effectuate the settlement framework that has been discussed since February 2013. Many issues have been tentatively resolved in principle, including the general mechanics of a settlement

framework whereby the parties could use certain specific service marks in the United States and around the world. The issues that remain to be resolved at this point include the finer details of the settlement framework, such as the restrictions on each party that would be necessary in order to prevent confusion in the United States and around the world.

The parties desire to be able to report a firm timetable for resolution. However, given the nature of the parties and the complexity of the issues involved, it is not possible to set a firm timetable for resolution. The parties mutually convey that best efforts are being made to reach a settlement. Both parties sincerely hope that this opposition proceeding will be resolved by the end of the 180-day suspension period being requested presently.

Given the present posture of settlement negotiations, the parties mutually desire to avoid the time and expense of engaging experts and conducting further discovery. Engaging experts and conducting further discovery would also detract from the efforts that will be needed to reach a final settlement.

Should the Board wish for further details regarding the issues being negotiated or the efforts of the parties in reaching a settlement, the parties' attorneys are available for a conference call to discuss the current settlement negotiations at the convenience of the Board.

Heidelberg University has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Heidelberg University has provided an email address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the

Board: emch@mstfirm.com (Gregg W. Emch, attorney for Opposer) and
Lara.Holzman@alston.com (Lara A. Holzman, attorney for Applicant).

Dated: Toledo, Ohio
May 19, 2015

Respectfully submitted,
MacMILLAN, SOBANSKI & TODD, LLC

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Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address of record by Facsimile or email (by agreement only) on May 19, 2015.

/Gregg W. Emch/
Gregg W. Emch