

ESTTA Tracking number: **ESTTA661082**

Filing date: **03/13/2015**

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

Proceeding	91201083
Party	Plaintiff Minnesota Twins, LLC
Correspondence Address	MARY L KEVLIN COWAN LIEBOWITZ & LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES ame@cll.com, jmn@cll.com, trademark@cll.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Aryn M. Emert
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Signature	/Aryn M. Emert/
Date	03/13/2015
Attachments	TWINS SPECIAL - MOCS.pdf(11954 bytes )



**MOTION ON CONSENT TO SUSPEND PROCEEDINGS  
AND TO EXTEND DISCOVERY PERIOD IF OPPOSITION IS RESUMED**

Opposer, by and through counsel, hereby moves for an order to suspend the proceedings in this matter for a period of ninety (90) days, until **June 11, 2015**. Applicant's counsel consented to this motion, which is requested to allow the parties to continue to engage in settlement discussions.

Significant progress has been made towards settlement of this complex matter involving multiple jurisdictions. Since the institution of the proceedings, the parties have had verbal and written settlement negotiations, have drafted, reviewed and proposed term sheets, as well as prepared multiple revisions to a draft settlement agreement, and exchanged drafts of that agreement. Specifically, since the parties last sought a suspension of the proceedings, Applicant's counsel completed its review of the agreement with Applicant, and relayed its comments to the draft agreement to Opposer's outside counsel. Opposer's outside counsel reviewed such comments, and the parties' counsel held a telephone conference to discuss the open terms in the agreement. The parties counsel had additional back and forth regarding the contents of the agreement and Opposer's outside counsel thereafter revised the agreement based on such settlement negotiations. Opposer's outside counsel then sent the revised agreement to Opposer's in-house counsel for consideration. Opposer's in-house counsel reviewed the revised agreement, and sent Opposer's outside counsel its initial comments to the agreement. Opposer's outside counsel reviewed such comments, revised the agreement accordingly and sent the revised agreement back to Opposer's in-house counsel for consideration. The additional time is requested for Opposer's in-house counsel to review the latest revisions to the agreement, and for the parties to continue to work towards settlement of this matter. The parties are jointly

committed to reaching settlement and strongly believe they will timely resolve the specific open issues relating to use and registration. If an agreement is accepted by the parties, there will be no need to proceed with the Opposition.

In the event that the Board denies this motion, Opposer consents to an extension of time for Applicant to file an answer or otherwise respond to the Notice of Opposition until thirty (30) days after such denial.

If the Board grants this motion, the Board should also reset Applicant's time to answer or otherwise respond to the Notice of Opposition in Opposition Proceeding No. 91209135 until thirty (30) days after the suspension ends. Additionally, the parties request that six months of discovery be allowed and that the discovery cutoff be reset to six (6) months after the proceedings resume so that the parties will have the full period of discovery in the event that the matter is not able to be resolved. The trial periods and other periods should be reset accordingly.

Dated: New York, New York  
March 13, 2015

COWAN LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

By: /Aryn M. Emert/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 13, 2015, I caused a true and correct copy of the foregoing Motion to Suspend to be sent via First Class Mail, postage prepaid, to Applicant's Attorney and Correspondent of Record, David M. Kohn, Lewis Kohn & Fitzwilliam LLP, 10935 Vista Sorrento Parkway, Suite 370, San Diego, California 92130.

/Aryn M. Emert /  
Aryn M. Emert