

ESTTA Tracking number: **ESTTA565264**

Filing date: **10/16/2013**

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

Proceeding.	91204186
Applicant	Defendant Lorillard Technologies, Inc.
Other Party	Plaintiff ZippMark, Inc.
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	Yes

### Motion for Suspension for Settlement With Consent

The parties are actively engaged in negotiations for the settlement of this matter. Lorillard Technologies, Inc. requests that this proceeding be suspended for 180 days to allow the parties to continue their settlement efforts.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	06/14/2014
Discovery Closes :	07/14/2014
Plaintiff's Pretrial Disclosures :	08/28/2014
Plaintiff's 30-day Trial Period Ends :	10/12/2014
Defendant/Counterclaim Plaintiff's Pretrial Disclosures :	10/27/2014
30-day Trial Period for Defendant and Plaintiff in the Counterclaim :	12/11/2014
Counterclaim Defendant's and Plaintiff Rebuttal Disclosures Due :	12/26/2014
30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff ends :	02/09/2015
Counterclaim Plaintiff's Rebuttal Disclosures Due :	02/24/2015
15-day Rebuttal Period for Counterclaim Plaintiff Ends :	03/26/2015
Plaintiff's Trial Brief Due :	05/25/2015
Defendant 's Trial Brief and Plaintiff in the Counterclaim Due :	06/24/2015
Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due :	07/24/2015
Reply Brief, if any, for Plaintiff in the Counterclaim Due :	08/08/2015

Lorillard Technologies, Inc. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Lorillard Technologies, Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,

/s/ Eric T. Fingerhut

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