

ESTTA Tracking number: **ESTTA557840**

Filing date: **09/04/2013**

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

Proceeding	91205411
Party	Plaintiff Virgin Enterprises Limited
Correspondence Address	CRAIG A BEAKER NORVELL IP LLC 1776 ASH STREET NORTHFIELD, IL 60093 UNITED STATES OFFICEACTIONS@NORVELLIP.COM, cbeaker@norvellip.com, SDale@NORVELLIP.COM
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Craig A. Beaker
Filer's e-mail	officeactions@norvellip.com, cbeaker@norvellip.com
Signature	/Craig A. Beaker/
Date	09/04/2013
Attachments	130904 Motion to Suspend 91205411 (Redacted Version).pdf(372212 bytes)

REDACTED VERSION

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

In re Application No. 85/299,486

Filed: April 20, 2011

Mark: CARBON VIRGIN

Published in the *Official Gazette* (Trademarks) on: April 3, 2012

VIRGIN ENTERPRISES LIMITED,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91205411
)	
MICHAEL CASEY,)	
)	
Applicant.)	

JOINT MOTION TO SUSPEND PROCEEDINGS FOR NINETY (90) DAYS

Pursuant to Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 510 *et seq.* and 37 C.F.R. § 2.117(c), VIRGIN ENTERPRISES LIMITED (“Virgin” or “Opposer”) and MICHAEL CASEY (“Casey” or “Applicant”) jointly move that the Trademark Trial and Appeal Board (the “Board”) suspend the above-captioned opposition proceeding for ninety (90) days, as Applicant’s [REDACTED] continue to delay completion of the parties’ settlement negotiations.

Applicant and Opposer are engaged in active settlement discussions of the above-captioned opposition proceeding, as well as Opposition No. 91194225, which involves the same parties and same marks. By way of background, Opposer proffered terms of settlement to Applicant on April 23, 2013. Thereafter, Applicant responded with a counteroffer. Opposer asked Applicant to supply Opposer with additional information and details regarding Applicant’s counteroffer. Since that time, Applicant has [REDACTED] that impede his ability to respond. [REDACTED]

REDACTED VERSION

[REDACTED]

[REDACTED]

Opposer emailed Applicant on June 25, 2013, July 10, 2013 and August 20, 2013 regarding the additional information and details Opposer requested to assess Applicant's counteroffer. Attempts to discuss this information by telephone were also made. Applicant responded by email to Opposer on August 22, 2013.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In light of the settlement communications made and Applicant's [REDACTED], the parties agree that suspension of these proceedings is appropriate, as the taking of discovery in the above-captioned opposition and rebuttal testimony in the '225 opposition will not be conducive to reaching a negotiated settlement. Moreover, the parties agree that neither party will be prejudiced by the granting of the suspension requested herein. Accordingly, the suspension is jointly sought with good cause based on Applicant's continued health issues and a continued desire to explore settlement, and not for purposes of delay.

The parties therefore jointly move that the Board suspend all deadlines for an additional period of ninety (90) days and that the discovery and trial schedule be reset as detailed below:

REDACTED VERSION

PROPOSED SCHEDULE	
Initial Disclosures Due	December 6, 2013
Expert Disclosures Due	April 5, 2014
Discovery Closes	May 5, 2014
Plaintiff's Pretrial Disclosures	June 19, 2014
Plaintiff's 30-Day Trial Period Ends	August 3, 2014
Defendant's Pretrial Disclosures	August 18, 2014
Defendant's 30-Day Trial Period Ends	October 2, 2014
Plaintiff's Rebuttal Disclosures	October 17, 2014
Plaintiff's 15-Day Rebuttal Period Ends	November 16, 2014

The foregoing request is prior to the current expiration of the above trial periods.

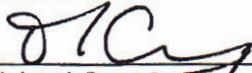
[SIGNATURE PAGE FOLLOWS]

CONFIDENTIAL INFORMATION SUBJECT TO PROTECTIVE ORDER

Respectfully submitted, stipulated and agreed,

Dated: _____

MICHAEL CASEY

By:  _____

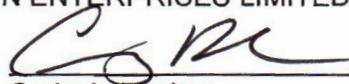
Michael Casey

MICHAEL CASEY
Am Treptower Park 51
Berlin D12435
Germany

Applicant

Dated: 9/4/13

VIRGIN ENTERPRISES LIMITED

By:  _____

Craig A. Beaker

NORVELL IP LLC
1776 Ash Street
Northfield, Illinois 60093
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officeactions@norvellip.com

Attorneys for Opposer,
VIRGIN ENTERPRISES LIMITED

REDACTED VERSION

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing JOINT MOTION TO SUSPEND PROCEEDINGS has been served upon Michael Casey via email at mrc@sternacapital.net pursuant to the mutual agreement between the parties dated August 18, 2011, with a confirmation copy sent via first class mail, postage prepaid, addressed to:

MICHAEL CASEY
Am Treptower Park 51
Berlin D12435
Germany

Dated: September 4, 2013

By: 

Craig A. Beaker
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Attorneys for Opposer,
VIRGIN ENTERPRISES LIMITED