

ESTTA Tracking number: **ESTTA573912**

Filing date: **12/02/2013**

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	12/02/2013
Attachments	131202 Motion to Suspend 91205411 (Redacted Version).pdf(388377 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 SIX (6) MONTHS

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 six (6) months, as Applicant’s [REDACTED] limit the parties’ ability to engage in settlement negotiations.

Applicant and Opposer are still 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. Since the last opposition, Applicant has worked to provide Opposer with additional information and details regarding Applicant’s present settlement proposal. However, Applicant’s [REDACTED] continue to impede his ability to respond to Opposer’s communications and participate in settlement

discussions. Specifically, [REDACTED]
[REDACTED]

Since the Board's last order, Opposer has emailed Applicant regarding the additional information and details Opposer requested to assess Applicant's counteroffer as well as [REDACTED].

[REDACTED] These issues impede his ability to actively participate in settlement negotiations. Further, Applicant is a *pro se* litigant and he does not have counsel to represent him in this matter while [REDACTED]. As a result, the parties' efforts to engage in settlement discussions have been hampered.

Nonetheless, in light of the parties' desire to continue settlement negotiations, as well as [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 [REDACTED] 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 six (6) months and that the discovery and trial schedule be reset as detailed below:

PROPOSED SCHEDULE	
Initial Disclosures Due	June 6, 2014
Expert Disclosures Due	October 5, 2014
Discovery Closes	November 5, 2014
Plaintiff's Pretrial Disclosures	December 19, 2014
Plaintiff's 30 Day Trial Period Ends	February 3, 2015
Defendant's Pretrial Disclosures	February 18, 2015
Defendant's 30 Day Trial Period Ends	April 2, 2015
Plaintiff's Rebuttal Disclosures	April 17, 2015
Plaintiff's 15 Day Rebuttal Period Ends	May 16, 2015

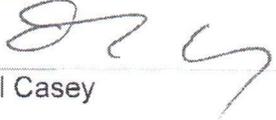
The foregoing request is prior to the current expiration of the above trial periods.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted, stipulated, and agreed,

Dated: 2/12/2013

MICHAEL CASEY

By: 
Michael Casey

MICHAEL CASEY
Am Treptower Park 51
Berlin 12435
Germany
mrc@sterncapital.net

APPLICANT

Dated: December 2, 2013

VIRGIN ENTERPRISES LIMITED

By: 
Craig A. Beaker

NORVELL IP LLC
1776 Ash Street
Northfield, Illinois 60093
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Attorneys for Opposer,
VIRGIN ENTERPRISES LIMITED

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing JOINT MOTION TO SUSPEND PROCEEDINGS FOR SIX (6) MONTHS has been served upon Applicant via email at mrc@sternacapital.net pursuant to the mutual agreement between the parties dated August 20, 2012, with a confirmation copy sent via first class mail, postage prepaid, addressed to:

MICHAEL CASEY
Am Treptower Park 51
Berlin 12435
Germany

Dated: December 2, 2013

By: s/Craig Beaker/

Craig A. Beaker