

ESTTA Tracking number: **ESTTA571260**

Filing date: **11/17/2013**

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

| | |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proceeding | 91206574 |
| Party | Plaintiff adidas International Marketing BV, adidas America, Inc., adidas AG |
| Correspondence Address | ANGELO NOTARO NOTARO MICHALOS & ZACCARIA PC 100 DUTCH HILL ROAD, SUITE 240 ORANGEBURG, NY 10962 UNITED STATES anotaro@notaromichalos.com, nmpc@notaromichalos.com |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Angelo Notaro |
| Filer's e-mail | anotaro@notaromichalos.com |
| Signature | /J287-943-AN/ |
| Date | 11/17/2013 |
| Attachments | J287-943-Motion To Suspen for Settlement.pdf(163971 bytes) |

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

In the Matter of Application Serial No. 85/388,668
Filed August 3, 2011
Published in the Official Gazette on April 17, 2012

| | | |
|-------------------------------------------|---|-------------------------|
| -----X | | |
| adidas AG, adidas International Marketing | : | |
| B.V. and adidas America, Inc., | : | Opposition No. 91206574 |
| | : | |
| Opposers, | : | |
| | : | |
| v. | : | |
| | : | |
| Kevin Rutledge, | : | |
| | : | |
| Applicant. | : | |
| -----X | | |

MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

The parties have exchanged written settlement proposals and counterproposals.

Under the settlement proposal being negotiated (i) the applicant will amend the identification of goods in class 25 to restrict the goods to a specific type of footwear, and (ii) the parties will agree to take steps necessary to prevent the possibility of confusion in the future.

Issues that remain to be resolved include: (i) the geographical scope of the agreement; (ii) specific mechanisms for resolving issues; (iii) and the completion of general terms of the agreement.

The parties hope to resolve these aforementioned issues and complete a settlement, consent, and co-existence agreement within the next ninety (90) days, or the parties shall continue with the proceedings in this opposition.

Accordingly, parties request that this proceeding be suspended for ninety (90) days

to allow the parties to finalize and execute their agreement.

| | |
|--------------------------------------------------------------------------|--------------------|
| Time to Answer: | February 16, 2014 |
| Deadline for Discovery Conference: | March 18, 2014 |
| Discovery Opens: | March 18, 2014 |
| Initial Disclosures Due: | April 17, 2014 |
| Expert Disclosures Due: | August 15, 2014 |
| Discovery Period To Close: | September 14, 2014 |
| Plaintiff's Pretrial Disclosures: | October 29, 2014 |
| Thirty-day testimony period for party in position of plaintiff to close: | December 13, 2014 |
| Defendant's Pretrial Disclosures: | December 28, 2014 |
| Thirty-day testimony period for party in position of defendant to close: | February 11, 2015 |
| Plaintiff's Rebuttal Disclosures: | February 26, 2015 |
| Fifteen-day rebuttal testimony period to close: | March 28, 2015 |

The applicant has consented to the requested suspension and resetting of dates requested herein.

An e-mail address is provided herewith for each party so that any order on this motion may be issued electronically by the Trademark Trial and Appeal Board.

Dated: November 17, 2013
Orangeburg, New York

Respectfully submitted,

/s/ Angelo Notaro
Angelo Notaro
John Zaccaria
Bradley S. Corsello
NOTARO, MICHALOS & ZACCARIA P.C.
100 Dutch Hill Road
Orangeburg, New York 10962
Phone: (845) 359-7700
Fax: (845) 359-7798
E-Mail: anotaro@notaromichalos.com
Attorneys for Opposers

CERTIFICATE OF SERVICE

It is hereby certify that on November 17, 2013, a true and correct copy of the foregoing Motion for Suspension of Settlement With Consent in the above matter, has been served upon applicant through applicant's attorney at his email address of record, jonathan.hyman@knobbe.com (by agreement).

Angelo Notaro