

ESTTA Tracking number: **ESTTA587449**

Filing date: **02/14/2014**

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	02/14/2014
Attachments	J287-943-MotionForSuspension.pdf(185825 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

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adidas AG, adidas International Marketing	:	
B.V. and adidas America, Inc.,	:	Opposition No. 91206574
	:	
Opposers,	:	
	:	
v.	:	
	:	
Kevin Rutledge,	:	
	:	
Applicant.	:	
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MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

The parties report to the Board that they are actively working towards settlement and have continued to circulate draft settlement agreements and negotiate the terms thereof. The parties believe that most issues regarding settlement have been resolved, and both parties expect resolution to be forthcoming. 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.

The parties are still negotiating the scope and extent of the exact goods/services upon which the parties may use their respective marks, as well as the exact territories to be covered by the settlement agreement. The scope of the proposed settlement discussions has expanded beyond issues involving U.S. laws and the Board proceeding. As such the agreement is complex and requires negotiation and balancing of the parties' rights and future use. Moreover, Opposer is a foreign entity and settlement negotiations are further complicated due for review and communications by and between U.S. outside

counsel, in-house U.S. and foreign counsel and representatives of the business segment of the Opposer.

The parties hope to resolve these aforementioned issues and complete a settlement, consent, and co-existence agreement within the next ninety (90) days.

Accordingly, the parties request that this proceeding be suspended for ninety (90) days to allow the parties to finalize and execute their agreement.

Time to Answer :	05/17/2014
Deadline for Discovery Conference :	06/16/2014
Discovery Opens :	06/16/2014
Initial Disclosures Due :	07/16/2014
Expert Disclosures Due :	11/13/2014
Discovery Period to Close :	12/13/2014
Plaintiff Pretrial Disclosures :	01/27/2015
Plaintiff's 30-day Trial Period Ends :	03/13/2015
Defendant's Pretrial Disclosures :	03/28/2015
Defendant's 30-day Trial Period ends:	05/12/2015
Plaintiff's Rebuttal Disclosures :	05/27/2015
Plaintiff's 15-day Rebuttal Period Ends :	06/26/2015

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: February 14, 2014
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 February 14, 2014, 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

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