

ESTTA Tracking number: **ESTTA631458**

Filing date: **10/07/2014**

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

Proceeding	91209942
Party	Defendant Shoes by Firebug, LLC
Correspondence Address	JM (MARK) GILBRETH GILBRETH & ASSOCIATES PC PO BOX 2428 BELLAIRE, TX 77402 2428 UNITED STATES jmark@gilbreth.org
Submission	Other Motions/Papers
Filer's Name	J M GILBRETH
Filer's e-mail	jmark@gilbreth.org
Signature	/J M GILBRETH/
Date	10/07/2014
Attachments	DOC063.PDF(1636457 bytes )

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

In the Matter of Trademark Applicant	§	
Shoes by Firebug, LLC	§	
	§	<b>Opposition No. 91209942</b>
Mark: FIREBUG (Stylized Word Mark)	§	
	§	
Serial No.: 85608089	§	
	§	
Filed: April 25, 2012	§	
	§	
Published in the Official Gazette dated September 25, 2012	§	
	§	
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Jules Shapiro and Juliette Tworsey,	§	
Opposers,	§	
	§	
	§	
	§	
v.	§	
	§	
Shoes By Firebug, LLC,		§
Applicant.	§	
	§	
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**Status of Settlement**

**SUBMITTED WITH AGREEMENT OF OPPOSERS' COUNSEL JOHN RUSSELL.**

**Most recent communications regarding settlement are attached.**

Both Applicant and Opposers have an agreement in principle, but have yet to get the written agreement finalized and executed. In fact, Applicant and Opposers has been close to a settlement since even before the filing of the Opposition.

Some of the delay has been due to travel by Opposers.

Some of the delay has been due to foreign travel by Opposer's attorney.

Some of the delay has been due to foreign travel by Applicant's attorney.

Some of the delay has been due to new issues introduced by Applicant.

Most recently on September 29, 2014, Opposers' attorney emailed to clarify one issue that had recently arisen. The parties are again in the position of being in agreement in principle and expect to execute the finalized document any day now.

**Accordingly, we ask that the latest request for extension of time (8/27/14) be granted to allow the parties time to finalize and execute their latest agreement.**

October 7, 2014

Respectfully submitted,

\_\_\_\_\_/ J. M. GILBRETH\_\_\_\_\_  
J. M. (Mark) Gilbreth

Gilbreth & Associates, P.C.  
P.O. Box 2428  
Bellaire, Texas 77402-2428  
(T) 713/667-1200  
(F) 713/667-4424  
jmark@gilbreth.org

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **STATUS OF SETTLEMENT AGREEMENT** has been served on John E. Russell of Allmark Trademark (counsel for Opposer) by mailing said copy via email to [john@allmarktrademark.com](mailto:john@allmarktrademark.com):

John E. Russell  
ALLMARK TRADEMARK  
2089 Avy Avenue  
Menlo Park, CA 94025

\_\_\_\_ / J. M. GILBRETH \_\_\_\_\_  
J. M. (Mark) Gilbreth



Jmark Gilbreth &lt;jmark77001@gmail.com&gt;

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**Re: Use of Firebug Logo**

1 message

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**Mark Gilbreth** <jmark@gilbreth.org>  
To: "John E. Russell" <john@allmarktrademark.com>  
Cc: Trae Smith <traesmith@firebugshoes.com>

Mon, Sep 29, 2014 at 4:36 PM

John,

Yes, Trae wants to file applications on FIREBUGS with an "S".

On Mon, Sep 29, 2014 at 4:21 PM, John E. Russell <john@allmarktrademark.com> wrote:

Hello Mark,

Good to touch base with you today. I wanted to confirm that as part of the proposed Settlement Agreement, your client will file the "new" logo mark, and withdraw the "original" logo mark, correct? (this would be for "shoes", as well as the other filings which used the logo). I am redrafting part of an overarching Settlement Agreement, so I want to get as many particulars from each side before competing it. Thanks!

John E. Russell

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**From:** jmark77001@gmail.com [mailto:jmark77001@gmail.com] **On Behalf Of** Mark Gilbreth  
**Sent:** Monday, September 29, 2014 1:04 PM  
**To:** John E. Russell  
**Subject:** Fwd: Use of Firebug Logo

----- Forwarded message -----

**From:** **Mark Gilbreth** <jmark@gilbreth.org>  
**Date:** Tue, Sep 16, 2014 at 2:00 PM  
**Subject:** Re: Use of Firebug Logo  
**To:** "John E. Russell" <john@allmarktrademark.com>  
**Cc:** Trae Smith <traesmith@firebugshoes.com>

John,

If the following is acceptable, please finalize the agreement.