

ESTTA Tracking number: **ESTTA711029**

Filing date: **11/25/2015**

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

Proceeding	91210506
Party	Defendant E! Entertainment Television, LLC
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Submission	Motion to Suspend for Settlement Discussions
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Date	11/25/2015
Attachments	2015.11.25 - Consent Motion to Suspend - FINAL FOR FILING.pdf(12439 bytes)

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

OVATION, LLC,
a Delaware limited liability company,

Opposer,

v.

E! ENTERTAINMENT TELEVISION, LLC,
a Delaware limited liability company,

Applicant.

Opposition No. 91210506 (parent)

Application No. 85/569,798

Mark: POP OF CULTURE

Opposition No. 91217286

Application No. 85/937,423

Mark: E POP OF CULTURE

Opposition No. 91217287

Application No. 85/937,399

Mark: E POP OF CULTURE

CONSENTED MOTION TO SUSPEND CERTAIN DEADLINES

Applicant E! Entertainment Television, LLC (“Applicant” and/or “E! Entertainment”) hereby moves the Board to suspend all remaining dates and deadlines by forty-five (45) days, specifically including: (a) the date for Applicant to serve its supplemental discovery responses and documents in response to the Board’s September 2, 2015 order; and (b) the date for Opposer to file and serve its opposition to Applicant E! Entertainment Television LLC’s Motion for Leave to Withdraw Admissions, pursuant to TBMP §§ 510.03(a) and 605.02.

Opposer Ovation, LLC stipulates to this suspension.

In support of this motion, Applicant states as follows:

1. Applicant has noticed the Rule 30(b)(6) deposition of Opposer and Rob Canter to occur on October 1, 2015. Opposer has served objections to Applicant’s 30(b)(6) notice.
2. On September 2, 2015, the Board ruled on Opposer’s motion to compel (Docket No. 26), and ordered Applicant to serve supplemental discovery responses and documents on Opposer within thirty (30) days (*i.e.*, by October 2, 2015). (Docket No. 32.)

3. On September 11, 2015, Applicant filed Applicant E! Entertainment Television LLC's Motion for Leave to Withdraw Admissions. (Docket No. 33.) Opposer's deadline to file and serve its opposition brief was October 1, 2015.

4. On September 22, 2015, the parties moved the Board to suspend these proceedings for a period of sixty (60) days to accommodate their continued settlement negotiations, including, without limitation: (a) the date for Applicant to serve supplemental discovery responses and documents in response to the Board's September 2, 2015 order; and (b) the date for Opposer to file and serve its opposition to Applicant E! Entertainment Television LLC's Motion for Leave to Withdraw Admissions. (Docket No. 34.)

5. The Board granted the motion. (Docket No. 35.) As a result of the motion, the following deadlines were set:

<u>Deadline</u>	<u>Date</u>
Applicant's Supplemental Discovery Responses and Document Production	December 1, 2015
Opposer's Response to Applicant's Motion to Withdraw Admissions	November 30, 2015
Discovery Closes	December 16, 2015
Opposer's Pretrial Disclosures Due	January 30, 2016
Opposer's 30-day Trial Period Ends	March 15, 2016
Applicant's 30-day Trial Period Ends	May 14, 2016
Opposer's Rebuttal Disclosures Due	May 29, 2016
Opposer's 15-day Rebuttal Period Ends	June 28, 2016

6. On October 15, 2015, the parties filed a motion to correct the case schedule to add the inadvertently omitted March 30, 2016 deadline for Applicant to file its pretrial disclosures. (Docket No. 36.)

7. On November 18, 2015, the Board noted the October 15, 2015 motion and denied

it. (Docket No. 37.) The Board's order states:

Opposer's consented motion (filed October 15, 2015) to correct the schedule set forth in Applicant's September 22, 2015 motion to suspend, as well as Applicant's pending motion (filed September 11, 2015) for leave to withdraw its admissions, are noted. Inasmuch as only a few weeks remain in the discovery period once the suspension period ends on November 21, 2015, this proceeding shall be considered suspended pending the Board's consideration of Applicant's motion. In view thereof, Opposer's consent motion to reset the trial dates is denied. Trial dates shall be reset once the Board decides Applicant's motion. In view of the foregoing, the Board's order mailed on October 5, 2015, stands as written; Opposer's response to Applicant's motion to withdraw admissions is due on November 30, 2015; and Applicant's reply, if any, may be filed thereafter in accordance with Trademark Rule 2.127(a).

(*Id.*) (Emphases added.)

8. The parties have made substantial progress towards settling these consolidated opposition proceedings in their entirety. Representatives of the parties have met and agreed on the principal terms of settlement. The parties have drafted and exchanged an initial draft of a settlement and coexistence agreement.

9. To facilitate and finalize that settlement, the parties hereby agree, consent to, and respectfully request that the Board suspend all remaining dates and deadlines by forty-five (45) days, as follows:

<u>Deadline</u>	<u>Date</u>
Applicant's Supplemental Discovery Responses and Document Production	January 15, 2016
Opposer's Response to Applicant's Motion to Withdraw Admissions	January 14, 2016
Discovery Closes	January 30, 2016
Opposer's Pretrial Disclosures Due	March 15, 2016
Opposer's 30-day Trial Period Ends	April 29, 2016
Applicant's Pretrial Disclosures Due	May 14, 2016

Applicant's 30-day Trial Period Ends	June 28, 2016
Opposer's Rebuttal Disclosures Due	July 13, 2016
Opposer's 15-day Rebuttal Period Ends	August 12, 2016

10. The parties believe that this will be the last requested suspension and that they will be able to finalize their settlement of these consolidated opposition proceedings by December 31, 2015. In the event the parties need additional time to finalize settlement, they will timely request from the Board another brief suspension of the proceedings.

Dated: this 25th day of November, 2015.

LEWIS ROCA ROTHGERBER

By: /s/ Jonathan W. Fountain
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CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that a true and complete copy of the foregoing CONSENTED MOTION TO SUSPEND PROCEEDINGS AND EXTEND OTHER DEADLINES is being transmitted electronically with the United States Patent and Trademark Office, Trademark Trial and Appeal Board, through ESTTA at <http://estta.uspto.gov> on November 25, 2015.

/s/ Jonathan W. Fountain
An employee of Lewis Roca Rothgerber LLP

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing CONSENTED MOTION TO SUSPEND PROCEEDINGS AND EXTEND OTHER DEADLINES has been served on attorneys for Opposer, by mailing a copy on November 25, 2015, via First Class Mail, postage prepaid, to:

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/s/ Jonathan W. Fountain
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