

ESTTA Tracking number: **ESTTA699972**

Filing date: **10/02/2015**

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

Proceeding	91210542
Party	Plaintiff Tissot SA
Correspondence Address	JESS M COLLEN COLLEN IP THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE OSSINING, NY 10562 UNITED STATES lmcandrews@collenip.com, docket@collenip.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Jess M. Collen
Filer's e-mail	lmcandrews@collenip.com, docket@collenip.com
Signature	/Jess M. Collen/
Date	10/02/2015
Attachments	N1865_Consented Motion - 30 Day EOT_151002.pdf(153313 bytes)

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

TISSOT S.A.,

Opposer,

v.

TOUCHDOME, LLC,

Applicant.

Opposition No.: 91210542
Serial No. 85643792

Mark: TOUCHDOME

MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

Opposer, Tissot S.A., and Applicant, TouchDome LLC, by their attorneys, hereby move the Trademark Trial and Appeal Board for an order to suspend all dates in the subject proceeding in order to allow the parties to finalize a settlement. Both parties consent to this request.

Pursuant to the Trademark Trial and Appeal Board (“TTAB”) Suspension Order issued on September 21, 2015, the parties request this further extension in good faith. Counsel for Opposer and Counsel for Applicant have largely finalized a settlement regarding the parties’ trademark use and rights for an amicable resolution of this Opposition and remain engaged in discussions to finalize the language of the agreement in order to cooperatively conclude this matter.

Pursuant to the Board’s recent order, the parties hereby submit the following report setting forth the progress the parties have made towards settlement during the previous period of suspension. As reported in the parties’ most recent Consented Motion, Opposer’s counsel received management authorization approving one of the outstanding settlement terms proposed

by Applicant and Opposer was considering a revision to the language of the only remaining term of the agreement. As an update regarding the status of the settlement negotiations, the parties advise that since the parties' most recent Consented Motion, Opposer's counsel is awaiting senior management authorization from Opposer to confirm the final substantive term of this agreement. Once counsel for Opposer receives this authorization, they will provide the relevant language to counsel for Applicant for review and potential incorporation into the agreement. At this point, counsel for Opposer continues to believe that the settlement is in its very final stages. As Counsel for Opposer and Counsel for Applicant have agreed on all of the major points of resolution, and only limited items remain open for finalization of this matter, the parties believe that, in light of this stage of settlement, this extension of time should allow the parties to finalize the terms and execute an agreement.

Because the report establishes good cause by showing that the parties are actively engaged in good faith negotiations for the settlement of this matter, the parties hereby request that this proceeding be further suspended for a further thirty (30) days to allow the parties to continue their settlement efforts. The parties anticipate that a suspension of thirty days should provide the necessary timetable for the terms of settlement to be approved and finalized so as to conclude this Opposition without the need for discovery motions, further proceedings, or Board involvement.

Accordingly, the parties respectfully and jointly request a thirty day suspension to allow the parties to finalize and execute a settlement. A further suspension is warranted given the advanced status of settlement per the report above, and thus will conserve the Board's time and avoid unnecessary expense to the parties. Therefore, the parties respectfully request that all deadlines be suspended thirty days, and that all subsequent dates be reset pursuant to the

schedule below:

Plaintiff's Pretrial Disclosures	October 19, 2015
Plaintiff's 30-day Trial Period Ends:	December 3, 2015
Defendant's Pretrial Disclosures	December 18, 2015
Defendant's 30-day Trial Period Ends:	February 1, 2016
Plaintiff's Rebuttal Disclosures	February 16, 2016
Plaintiff's 15-day Rebuttal Period Ends	March 19, 2016

This motion is not being filed for purpose of delay. The parties believe that, based on their intentions to settle this proceeding, they have established good cause and respectfully request the Board grant this motion to extend.

Respectfully Submitted,

COLLEN IP

Attorneys for Opposer Tissot SA

By: /Jess M. Collen/
Jess M. Collen, Esq.
Lisa A. McAndrews, Esq.
COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Avenue
Ossining, NY 10562
lmcandrews@collenip.com
docket@collenip.com

October 2, 2015

COZEN O'CONNOR

Attorneys for Applicant TouchDome LLC

By: /Lisa A. Ferrari/
Martin B. Pavane, Esq.
Lisa A. Ferrari, Esq.
COZEN O'CONNOR
277 Park Avenue
New York, New York 10172
mpavane@cozen.com
lferrari@cozen.com

October 2, 2015

Certificate of Service

I, Lisa A. McAndrews, hereby certify that I caused a true and correct copy of the foregoing Motion for Suspension for Settlement with Consent to be filed electronically with the Trademark Trial and Appeal Board, and to be served upon the Applicant and the following counsel of record, via e-mail (by prior agreement of the parties) this 2nd Day of October, 2015:

Martin B. Pavane, Esq.
Lisa A. Ferrari, Esq.
COZEN O'CONNOR
277 Park Avenue
New York, New York 10172

A handwritten signature in blue ink, appearing to read "L. A. McAndrews", is written over a horizontal line.

Lisa A. McAndrews