

ESTTA Tracking number: **ESTTA696081**

Filing date: **09/15/2015**

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

Proceeding	91212905
Party	Plaintiff EMI (IP) Limited
Correspondence Address	BRENT S LABARGE C/O UNIVERSAL MUSIC GROUP 2220 COLORADO AVENUE SANTA MONICA, CA 90404 UNITED STATES brent.labarge@umusic.com, melissa.battino@umusic.com, nicole.villacorta@umusic.com
Submission	Motion to Suspend for Settlement Discussions
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Signature	/Brent S. LaBarge/
Date	09/15/2015
Attachments	2015-09-15 MUSIC NOW -- Motion for Suspension for Settlement with Consent.pdf(14100 bytes)

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

In the matter of Application Serial No. 78/835,315

EMI (IP) LIMITED)	
)	
Opposer,)	
)	
v.)	Opposition No. 91212905
)	
OCC ESTABLISHMENT,)	
)	
Applicant.)	
)	

-and-

In the matter of Registration No. 2,100,606

EMI (IP) LIMITED)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92058236
)	
OCC ESTABLISHMENT,)	
)	
Respondent.)	
)	

MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

EMI (IP) Limited (“EMI”) hereby moves, with consent, to suspend the discovery and trial deadlines in this matter by sixty (60) days pursuant to 37 C.F.R. § 2.117 and T.B.M.P. § 510.

Pursuant to the Board’s order of March 23, 2015, as good cause therefor, the parties state that they have actively been engaged in settlement discussions, with the most recent counterproposal exchanged on September 10, 2015. The parties have tentatively agreed on

several outstanding issues and expect that continued negotiations will result in a final resolution of this dispute.

The parties ideally hope to reach a settlement with worldwide applicability, which requires input from a third party that is not involved in the present proceedings. Within the European Economic Area, Sony Music Entertainment UK Limited owns the rights to the NOW Marks asserted by EMI in these proceedings. EMI owns the NOW Marks everywhere else. The European Commission required this division of ownership as a condition of granting regulatory approval for Universal Music Group's acquisition of the recorded music business of EMI (*see generally* http://europa.eu/rapid/press-release_IP-12-999_en.htm). The legal complexities of this ownership structure and the level of input needed from each owner's business units account for the time spent negotiating settlement. The parties expect to circulate a draft of a proposed settlement agreement in the near future.

EMI has secured the express consent of all other parties to this proceeding for the suspension requested herein.

Dates as Reset:

Time to Answer : CLOSED

Deadline for Discovery Conference : CLOSED

Discovery Opens : CLOSED

Initial Disclosures Due : CLOSED

Expert Disclosure Due : CLOSED

Discovery Closes : November 15, 2015

Plaintiff's Pretrial Disclosures : December 30, 2015

Plaintiff's 30-day Trial Period Ends : February 13, 2016

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Motion for Suspension for Settlement with Consent has been served by electronically transmitting said copy, with the consent of OCC Establishment, on September 15, 2015, to:

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s/Brent S. LaBarge/

Brent S. LaBarge