

ESTTA Tracking number: **ESTTA764376**

Filing date: **08/15/2016**

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

Proceeding	91213743
Party	Plaintiff Be Sport, Inc.
Correspondence Address	CONNIE L ELLERBACH FENWICK & WEST LLP 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041-1990 UNITED STATES tm@fenwick.com, eball@fenwick.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Eric Ball
Filer's e-mail	eball@fenwick.com, tm@fenwick.com
Signature	/Eric Ball/
Date	08/15/2016
Attachments	H00191T_Stipulated Motion for Suspension of Proceedings.pdf(25335 bytes)

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

In re the Matter of: Application Serial No. 79143790
Mark Opposed: BEIN SPORT

Be Sport, Inc.,)	
)	
Opposer,)	
)	Opposition No. 91213743
v.)	
)	
Al-Jazeera Satellite Channel)	
)	
Applicant.)	

STIPULATED MOTION FOR SUSPENSION OF PROCEEDINGS

The parties, by their attorneys, hereby request that proceedings herein be suspended for an additional 60 days in order to allow the parties time to complete the settlement agreement which has been reached in principle between the parties. When granted, proceedings will be suspended for 60 days and will be resumed in accordance with the following schedule:

Plaintiff's Pretrial Disclosures	09/27/2016
Plaintiff's 30-day Trial Period Ends	11/11/2016
Defendant's Pretrial Disclosures	09/27/2016
Defendant's 30-day Trial Period Ends	11/26/2016
Plaintiff's Rebuttal Disclosures	01/25/2017
Plaintiff's 15-day Rebuttal Period Ends	02/24/2017

In the Board's July 22, 2016 Order, granting the most recent request for suspension, the Board's Order indicated that, in order to obtain further extensions or suspensions, the parties would be expected to provide a detailed progress report regarding the progress of the parties' settlement negotiations, which report must include a recitation of all issues that have been resolved, the issues that remain to be resolved and a timetable for a final resolution.

In response to the Board's July 22, 2016 Order, the Board is advised that the parties have reached a settlement in principle of all issues involved in the opposition proceeding. The delay in obtaining signatures to the agreement is as a result of a separate agreement between Applicant and a third party who will be the successor in interest to Applicant's rights in the opposed trademark, once the opposition is concluded. The agreement between the parties requires that the agreement be executed by both parties to the opposition, as well as the third party who would be obtaining Applicant's rights in the mark, upon termination of the opposition.

Under the circumstances, Applicant's attorneys have been advised that the agreement should be fully executed no later than September 12, 2016 after which the parties will then file a Stipulation terminating the opposition proceeding.

If the parties are unable to finalize the agreement by September 12, 2016, Applicant has agreed to make the witnesses previously subpoenaed by Opposer available for testimony both between September 19-26, 2016 and within 45 days of the end of any suspension.

Under the circumstances, it is submitted that the Board's requirement for a detailed progress report on the status of the settlement discussions has been satisfied, and it is respectfully requested that this last suspension request be granted in accordance with the schedule set forth above.

Respectfully submitted,

AL-JAZEERA SATELLITE CHANNEL
(Now by change of name Al-Jazeera Media
Network)

Date: August 15, 2016

By:



Kevin G. Smith
Gary D. Krugman
Attorneys for Applicant
Sughrue Mion, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213
Tel: (202) 293-7060
Fax: (202) 293-7860

BE SPORT, INC.

Date: August 15, 2016

By:

/Eric Ball/

Connie L. Ellerbach
Eric Ball
Attorneys for Opposer
Fenwick & West LLP
801 California Street
Mountain View, CA 94041-1990
Tel: (650) 988-8500

PROOF OF SERVICE

I declare that:

I am employed in the County of Santa Clara, California. I am over the age of eighteen years and not a party to the within cause; my business address is Silicon Valley Center, 801 California Street, Mountain View, California 94041. On the date indicated below, I served **STIPULATED MOTION FOR SUSPENSION OF PROCEEDINGS** on the interested parties in said cause, by sending a true copy thereof as indicated below, addressed as follows:

Kevin G. Smith
Gary D. Krugman
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202
Ksmith@sughrue.com
Gkrugman@sughrue.com

- BY US MAIL:** by placing the document(s) listed above in a sealed envelope for collection and mailing following our ordinary business practices. I am readily familiar with our ordinary business practices for collecting and processing mail for the United States Postal Service, and mail that I place for collection and processing is regularly deposited with the United States Postal Service that same day with postage prepaid.
- BY E-MAIL:** by mutual agreement between the parties, causing to be transmitted via e-mail the document(s) listed above to the addressee(s) at the e-mail address(es) listed above.
- BY PERSONAL DELIVERY:** by causing to be personally delivered the document(s) listed above to the addressee(s) at the address(es) set forth above.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this 15th day of August, 2016.

/Eric Ball/
Eric Ball