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

Proceeding	91214528
Party	Plaintiff Shirley's World, L.P.
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Submission	Motion to Suspend for Settlement Discussions
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Date	07/16/2014
Attachments	Stipulation.pdf(119769 bytes )

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

In the Matter of Application Serial No. 85723707

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Shirley's World, L.P.,

Opposition No.  
91214528

Opposer,

- against -

Earl C.J. Prater,  
Applicant

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**STIPULATION TO SUSPEND PROCEEDINGS FOR 90 DAYS  
FOR PURPOSES OF SETTLEMENT DISCUSSIONS**

I. Stipulation.

Pursuant TBMP §510(c) and 37 CFR §2.117, Opposer, Shirley's World, L.P., on the one hand, and Applicant, Earl C.J. Prater, on the other hand (collectively, the "Parties"), have agreed to suspend this proceeding for purposes of settlement negotiations for ninety (90) days. This stipulation is subject to the right of either party to request resumption at any time. See MacMillan Bloedel Ltd. v. Arrow-M Corp., 203 USPQ 952 (TTAB 1979).

II. Good Cause.

Good cause exists to grant the stipulation: The Parties have been actively involved in on-going settlement negotiations since May, 2014, and while the negotiations have been productive, they have also taken more time than originally anticipated. A settlement of the issues presented in these proceedings requires much detail and documentation. The Parties need time to negotiate the terms of a settlement, and then to properly document those terms. There is no basis upon which to allege bad faith, negligence, or tactics solely designed to delay in connection with this stipulation to suspend the proceedings.

Moreover, it should be noted that, on or about June 17, 2014, the Parties filed a Consented Motion to Set Aside Applicant's Default, Reopen Time to Respond, And Extend All Deadlines By 45 Days (the "Consented Motion"). The Board has not yet ruled on the Consented Motion. Accordingly, Applicant technically remains in default. Therefore, if these proceedings are resumed, the Parties respectfully request that the Board grant the Consented Motion, allow Applicant an opportunity to answer the notice of opposition, and set all new subsequent deadlines and the trial date.

III. Conclusion.

The Parties respectfully request that the Board agree to their stipulated ninety (90) day suspension of this proceeding, subject to the right of either party to request resumption at any time, for the purpose of negotiating a settlement of all claims and issues raised in the proceeding.

Dated: July 9, 2014

EISNER JAFFE  
GORRY CHAPMAN & ROSS

By: /s/ Jackie M. Joseph  
Jackie M. Joseph  
Attorneys for Opposer, Shirley's World,  
L.P.

Dated: July 9, 2014

Earl C.J. Prater

  
\_\_\_\_\_  
Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **STIPULATION TO SUSPEND PROCEEDINGS FOR 90 DAYS FOR PURPOSES OF SETTLEMENT DISCUSSIONS** was served upon Respondent in this action addressed as follows:

Mr. Earl C.J. Prater  
Respondent, acting on his own behalf  
P.O. Box 51542  
Sparks, NV 89435-1542

**BY MAIL.** I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the U.S. Postal Service. Under that practice such envelope(s) is deposited with the U.S. Postal Service on the same day this declaration was executed, with postage thereon fully prepaid at 9601 Wilshire Boulevard, Suite 700, Beverly Hills, California 90210, in the ordinary course of business.

Executed on July 16, 2014, at Beverly Hills, California.

EISNER JAFFE  
GORRY CHAPMAN & ROSS

By: /s/ Jackie M. Joseph  
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