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

Proceeding	91214865
Party	Plaintiff RE/MAX, LLC
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Submission	Motion to Suspend for Settlement Discussions
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Date	09/28/2016
Attachments	Joint Motion to Suspend for Settlement.pdf(15266 bytes)

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

RE/MAX, LLC, Opposer, v. RESMAC, INC., Applicant.	Opposition No. 91214865 Mark: RESMAC Application No.: 85896987
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JOINT MOTION TO SUSPEND FOR SETTLEMENT

Subject to the approval of the Trademark Trial and Appeal Board, the parties hereby jointly request that these proceedings be suspended to allow the parties to finalize their settlement efforts. The parties have agreed on settlement that will completely resolve all issues in this case, have defined all material terms of the settlement, and have exchanged multiple iterations of a draft agreement. The parties have worked diligently to reach an agreement, but request additional time to finalize the language of a few discrete provisions. Counsel for both parties discussed the terms of the agreement during a telephone conference today, and the parties expect to have the agreement finalized and executed by no later than October 13, the date set in the Board's August 4, 2016 Order for Plaintiffs' Pretrial Disclosures. Accordingly, the parties' request for an extension of all deadlines is not for the purpose of delay, but for good cause to continue settlement negotiations.

Although the parties are confident that they will finalize the settlement as contemplated above, in order to preserve their rights, they jointly request that the case schedule be suspended an additional sixty days. As the parties have been singularly focused on settlement rather than preparing for trial, in the unlikely event that resuming the proceedings is necessary, they will

need ample time to prepare. In addition, when the parties filed their Joint Motion for Suspension for Settlement on July 28, 2016, they did so with the understanding that discovery was still open and that the requested suspension would encompass the discovery deadline. As both parties would benefit from additional time to complete discovery before trial, they respectfully and jointly request that a revised schedule include time to complete discovery.¹ The parties therefore request that the case schedule be re-set as follows:

Discovery Closes	Nov. 29, 2016
Plaintiffs' Pretrial Disclosures	December 13, 2016
Plaintiff's 30 day Trial Period Ends	January 27, 2017
Defendant's Pretrial Disclosures	February 13, 2017
Defendant's 30 day Trial Period Ends	March 27, 2017
Plaintiff's Rebuttal Disclosures	April 10, 2017
Plaintiff's 15-day Rebuttal Period Ends	May 12, 2017

As this request is made for good cause and not made merely for purposes of delay, the parties respectfully request that the Board grant the joint motion.

Dated this 28th day of September, 2016.

Respectfully submitted,

/James G. Keys, III/
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¹ The Board's March 28 order grants retroactively granted Opposer's March 1, 2016 motion for a 30 day extension, and then grant the parties' joint 90 day suspension request, for a total extension of 120 days. The parties therefore both understood that discovery was open when they filed a joint motion to suspend on July 28, 2016, and remained open today despite the fact that the Board's August 4 order does not include a new discovery deadline.

CERTIFICATE OF SERVICE

I certify that on September 28, 2016, I served a copy of the above **JOINT MOTION TO SUSPEND FOR SETTLEMENT** by email, on the following:

James G. Keys III
email: jkeys@keyslawfirm.com, keyslawfirm@gmail.com

/Mark Moore/ _____
Mark Moore

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