

ESTTA Tracking number: **ESTTA746725**

Filing date: **05/16/2016**

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

Proceeding	91217017
Party	Plaintiff Pionetechs, Inc.
Correspondence Address	DANIEL S POLLEY DANIEL S POLLEY PA 7251 WEST PALMETTO PARK ROAD , SUITE 202 BOCA RATON, FL 33433 UNITED STATES dan@danpolley.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Daniel S. Polley
Filer's e-mail	dan@danpolley.com
Signature	/Daniel S. Polley/
Date	05/16/2016
Attachments	MotionforSuspension-Final-iWaitless-5-16-2016.pdf(72842 bytes)

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

In the Matter Trademark Application Serial No. 85817418
For the Mark: IWAITLESS
Filing Date: January 7, 2013

PIONETECHS, INC.,

Opposer,

vs.

**GO SWIFTLY, LLC, a Minnesota Limited
Liability Company,**

Applicant.

Opposition No. 91217017.

OPPOSER’S MOTION FOR FINAL SIX MONTH SUSPENSION

Opposer, Pionetechs, Inc. (“Opposer”), by and through the undersigned counsel, hereby requests a final six month suspension of the above-identified proceeding, to allow the parties to continue to discuss entering into a settlement/coexistence agreement to amicably resolve the above-identified dispute.

Opposer has forwarded a proposed coexistence agreement to Applicant’s counsel. Prior to providing comments on the proposed coexistence agreement, Applicant’s counsel has inquired into Opposer’s use in commerce.

Opposer provided Applicant’s counsel with presentation materials that were used by Opposer prior to Applicant’s dates of first use. Unfortunately, the presentation materials were not dated and Applicant’s counsel has asked Opposer’s counsel to provide dated documentation.

The relevant year in question for showing first use goes back several years, which required time for Opposer to review all relevant materials, particularly in view of other business matters requiring Opposer's attention, which includes extensive travel.

Opposer recently found certain additional evidence, which Opposer will provide to Applicant which hopefully Applicant will accept to allow the parties to finalize a coexistence agreement to resolve the dispute amicably.

Opposer is forwarding this evidence to Applicant's counsel. Opposer is also intending to offer additional evidence to Applicant through sworn declaration from Opposer's officer regarding dates of first use and the dates that the presentation materials were made to third parties.

In the event that Applicant's counsel doesn't accept this newly found evidence, Opposer will not seek another extension from the Board but will move forward with filing its evidence within the new trial period.

With the requested Suspension, Opposer proposes the following new scheduling order for this proceeding in the event a settlement is not reached:

Discovery Closes : 11/1/2016

Plaintiff's Pretrial Disclosures : 12/15/2016

Plaintiff's 30-day Trial Period Ends : 1/30/2017

Defendant's Pretrial Disclosures : 2/14/2017

Defendant's 30-day Trial Period Ends : 03/29/2017

Plaintiff's Rebuttal Disclosures : 04/13/2017

Plaintiff's 15-day Rebuttal Period Ends : 05/12/2017

Both parties have previously provided the Board with email addresses, and such email addresses are of record, so that any order on this motion may be issued electronically by the Board.

WHEREFORE, Opposer respectfully requests that the Board grant this Motion for Final Six-Month Suspension.

Respectfully submitted,
Attorneys for Opposer

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of May, 2016, a true copy of the foregoing OPPOSER'S MOTION FOR FINAL SIX-MONTH SUSPENSION was served by first class mail to Applicant's counsel:

Abiola Shobola, Esq
1239 Highland Parkway
St Paul, Minnesota 55116

Executed on May 16, 2016

/Daniel S. Polley/
Daniel S. Polley, Reg. No. 34,902