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

Proceeding	92045173
Party	Plaintiff Glenn Danzig
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Submission	Motion to Suspend for Settlement Discussions
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Date	09/13/2013
Attachments	13.9.13 Motion to suspend.pdf(17442 bytes )

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

In the Matter of Trademark Registration Nos.  
2,793,533, 2,634,215 and 2,735,848 Issued on  
December 16, 2003, October 12, 2002 and April 22, 2003, respectively

Glenn Danzig.

Petitioner,

v.

Cycloplan Music, Inc.

Registrant.

Cancellation No. 92045173

Mark: MISFITS

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MOTION FOR SUSPENSION PENDING SETTLEMENT, WITH CONSENT**

To the Commissioner for Trademarks:

Glenn Danzig ("Danzig") respectfully requests that the proceedings in the above-captioned cancellation action be suspended pending settlement for

approximately 90 days. It is further requested that in the event this matter is not concluded by settlement, dates be reset. The parties have continued settlement negotiations with respect to this cancellation action since the Board's granting of the dates extending discovery and trial dates, dated April 15, 2013.

The parties are involved in multiple proceedings in the TTAB including two separate proceedings involving the MISFITS mark, oppositions 91184044 and 91182881, as well as this consolidated proceeding, The parties are also involved in cancellation 92050014 involving a design mark.

In the previous request for an extension of time, the parties sought additional time to review and work out the differences of the parties in connection with the settlement.

Since the prior motion, the parties are continuing to see if it is possible to again create a global resolution to both the above-caption matter as well as the proceedings referred above. In addition to the undersigned, Danzig's counsel includes its regular firm King, Holmes, Paterno & Berliner, LLP, which does considerable work in the music industry, and which has maintained direct contact with the client. Since the last stipulation to suspend was submitted, the parties have spent considerable effort in attempting to resolve this matter which has included both communication with opposing counsel and substantial interaction between me and the King Holmes firm. As a result, that firm has now become

more participatory in understanding the trademark opposition/cancellation actions.

In addition, a new attorney at the King Holmes firm, Stephanie Kika, has become materially involved in the matter and has been devoting substantial time to review of the facts, the history and trying to reframe the settlement agreement which might be more workable from both a business perspective and one with which the parties are more likely to be comfortable. Although that agreement has recently been exchanged with opposing counsel, the opposing counsel has not had the opportunity to either delve into the agreement in detail or appropriately present the concepts to its client. At the same time petitioner's counsel is in the process of determining whether Mr. Danzig will be comfortable with it. Additional time is required to determine whether or not this approach will work among the parties.

In the meantime, answers have now been filed in connection with the other 3 TTAB proceedings referred to above which are related to the marks and to the potential settlement but not yet consolidated with the currently proceeding. Counsel have telephonically in effect dealt with the discovery conference in the context of a settlement discussions.

The following communications have occurred among opposing counsel although significant internal communications have also been undertaken between the specific events.

Telephone call between Christopher Verdini and Paul Supnik on May 15, 2013.

Telephone call with Christopher Verdini on July 9, 2013.

Email to Christopher Verdini on July 19, 2013.

Communication with Christopher Verdini on July 25, 2013 re conference call.

Conference call with opposing counsel Christopher Verdini and Curt Krasik on July 29, 2013 and with new counsel from the King Holmes firm, Stephanie Kika.

Email to Christopher Verdini re status of settlement discussions on August 13, 2013.

Telephone call with Stephanie Kika, Christopher Verdini and Krasik on August 19, 2013.

Email to Christopher Verdini on August 22, 2013.

Email to Christopher Verdini on August 23, 2013.

Email to Christopher Verdini on August 29, 2013 re timing of settlement proposal being prepared.

Email to Christopher Verdini and Curt Krasik on September 6, 2013.

Email to Christopher Verdini and Curt Krasik on September 9, 2013 forwarding reframed redlined proposal.

Telephone call with Christopher Verdini September 11, 2013.

The suspension is requested to give the parties an opportunity to review and work out differences of the parties, in connection with the settlement and see if a business resolution might be obtained.

The parties request that the dates be reset as follows:

Proceedings resume: December 16, 2013.

Discovery period to close: March 17, 2014.

30-day testimony period for party in position of plaintiff to close: April 15, 2014.

30-day testimony period for party in position of defendant to close: May 15, 2014.

15-day rebuttal testimony period to close: June 2, 2014.

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

Respectfully,

/s/

Dated: September 13, 2013

By: \_\_\_\_\_

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