

ESTTA Tracking number: **ESTTA548085**

Filing date: **07/12/2013**

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

Proceeding	92052901
Party	Plaintiff Whataburger Partnership
Correspondence Address	WILLIAM G BARBER PIRKEY BARBER LLP 600 CONGRESS AVENUE, SUITE 2120 AUSTIN, TX 78701 UNITED STATES wlarson@pirkeybarber.com, bbarber@pirkeybarber.com, eolson@pirkeybarber.com, tmcentral@pirkeybarber.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Wendy C. Larson
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Signature	/WCL/
Date	07/12/2013
Attachments	Consented Motion to Extend.pdf(23681 bytes)

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

WHATABURGER PARTNERSHIP,	§	
	§	
Petitioner,	§	
	§	
v.	§	Cancellation No. 92052901
	§	
WALA INDUSTRIES, INC.	§	
	§	
Registrant.	§	

MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

The parties are actively engaged in negotiations for the settlement of this matter. Petitioner¹ requests that this proceeding be suspended for 90 days to allow the parties to continue their settlement efforts.

On June 20, 2013, Petition filed a consented Motion to Extend all remaining deadlines, and the Board has not yet decided that Motion. Assuming it is granted, the parties' next deadline is July 12, 2013 (expert disclosures). Petitioner therefore files this consented motion to suspend the proceeding, and presents the following progress report. Petitioner sent its latest settlement proposal to Registrant in May 2013. Petitioner's communication to Registrant included background information relating to recent developments in Petitioner's trademark portfolio affecting potential settlement in this proceeding. Registrant is considering Petitioner's proposal, and expects to respond to Petitioner in the near future.

Upon the granting of this motion, the following time periods would apply:

Expert Disclosure Due:	10/10/2013
Discovery Closes:	11/09/2013
Plaintiff's Pretrial Disclosures:	12/24/2013

¹ After the initiation of this proceeding, Petitioner Whataburger Partnership was converted to Tres Aguilas Enterprises LLC, a Texas limited liability company.

Plaintiff's 30-day Trial Period Ends: 02/07/2014
Plaintiff's Rebuttal Disclosures: 04/23/2014
Plaintiff's 15-day Rebuttal Period Ends: 05/23/2014

Petitioner submits that good cause for suspension is shown and respectfully requests that the Board grant this motion. Petitioner has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein. Specifically, Registrant's attorney communicated Registrant's consent to this request on July 11, 2013.

Dated: July 12, 2013

Respectfully submitted,

By: /Wendy C. Larson/
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Wendy C. Larson
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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT** has been served via First Class Mail, postage prepaid to counsel for Registrant at the address below, on July 12, 2013:

William L. Chapin, Esq.
Law Offices of William L. Chapin
4540 Campus Drive, Suite 144
Newport Beach, CA 92660

/Wendy C. Larson/