

ESTTA Tracking number: **ESTTA633742**

Filing date: **10/18/2014**

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

Proceeding	92057058
Party	Defendant Island Food & Fun, Inc.
Correspondence Address	ELIZABETH T RUSSELL LAW OFFICE 6907 UNIVERSITY AVE # 227 MIDDLETON, WI 53562-2767 UNITED STATES beth@erklaw.com
Submission	Motion to Reopen
Filer's Name	Elizabeth T Russell
Filer's e-mail	beth@erklaw.com, brussell@supranet.net
Signature	/elizabeth russell/
Date	10/18/2014
Attachments	Ex G redactedx.pdf(45590 bytes) Ex I redactedx.pdf(42231 bytes) Ex J redacted.pdf(46335 bytes)

Ex F^G redacted
RussellLaw

6907 University Ave. #227 Middleton WI 53562 608-826-5007 www.erklaw.com

*Russell Law is a trade name of the Law Office of Elizabeth T Russell, LLC
Elizabeth T Russell is admitted to practice in New York, Connecticut and Wisconsin*

February 19, 2014

Jill M. Pietrini, Esq.
Whitney Walters, Esq.
SHEPPARD MULLEN RICHTER & HAMPTON LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6017

Via email: wwalters@sheppardmullin.com; JPietrini@sheppardmullin.com

Re: Cancellation No. 92057058

Legal Correspondence for Settlement Purposes Only. Not Admissible Under FRE 408.

My statements herein are made for the purposes of settling the dispute between our clients. Anything that I might say or propose is neither an admission of any allegations that you or your client might have made nor a waiver of any rights or defenses that my client may have.

Dear Ms. Pietrini and Ms. Walters:

Thank you for your email of February 12, 2014, expressing a willingness to entertain resolution of this matter by settlement. My client's position on the merits remains, in all respects, as set forth in its answer to the petition. In the interest of economy, however, my client ("Island") proposes the following.

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]

I am in receipt of the discovery materials you served yesterday. However, I respectfully request your consent to a motion for suspension for purposes of settlement negotiation.

Thank you for your thoughtful consideration, and I look forward to hearing from you.

Sincerely,

Elizabeth Russell

Digitally signed by Elizabeth Russell
DN: cn=Elizabeth Russell, o=Russell Law,
ou, email=beth@erklaw.com, c=US
Date: 2014.02.20 11:22:28 -06'00'

Elizabeth T Russell

Ex. H redacted

[EXHIBIT I Redacted]

From: Whitney Walters
To: Elizabeth Russell (beth@erklaw.com)
Cc: Jill Pietrini
Subject: RE: 56 Hope Road v. Mormax
Date: Thursday, March 27, 2014 5:37:14 PM
Sensitivity: Confidential

FOR SETTLEMENT PURPOSES ONLY

Elizabeth,

We have reviewed the settlement proposal you forwarded and have the following thoughts/counterproposal:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]

If you would like to discuss this further, please feel free to give me a call.

Whitney

From: Elizabeth Russell [mailto:beth@erklaw.com]
Sent: Tuesday, March 11, 2014 10:54 AM
To: Whitney Walters
Cc: Jill Pietrini
Subject: RE: 56 Hope Road v. Mormax
Sensitivity: Confidential

March 11, 2014

Re-sending

Whitney/Jill,

Please suggest a time in the coming week when we can discuss the settlement proposal I emailed on Wednesday.

Thank you,
Elizabeth

Russell Law

Mailing address:

6907 University Ave. #227
Middleton, WI 53562 USA

Voice Telephone: 1-608-826-5007

Arts Law Conversations is available at www.rulypress.com

Circular 230 Notice: In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or in any attachments).

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

From: Elizabeth Russell <beth@erklaw.com>
Sent: Tuesday, April 08, 2014 11:54 AM
To: 'Whitney Walters'
Cc: 'Jill Pietrini'
Subject: RE: 56 Hope Road v. Mormax

Sensitivity: Confidential

Legal Correspondence for Settlement Purposes Only. Not Admissible Under FRE 408.

Whitney,

Thank you for your email of March 27. I have spoken to my client and items 1, 2 and 4 on your list are fine.

The issue is finding a mutually acceptable way for my client to continue using the entire trademark. As you might or might not be aware, my client's restaurant is located in the "Wisconsin Dells" region of Wisconsin. This is Wisconsin's top tourism community (<http://www.wisdells.com/media/facts/economic-impact.cfm>). Over these many years, Island has built valuable good will under the mark, and its business has grown significantly. Changing the name would be an extreme hardship.

We'd like to explore ideas that would benefit both Island and 56Hope. Our first suggestion in this regard would be a

[REDACTED]

Thanks very much,
Elizabeth

From: Whitney Walters [mailto:wwalters@sheppardmullin.com]
Sent: Thursday, March 27, 2014 5:31 PM
To: Elizabeth Russell (beth@erklaw.com)
Cc: Jill Pietrini
Subject: RE: 56 Hope Road v. Mormax
Sensitivity: Confidential

FOR SETTLEMENT PURPOSES ONLY

Elizabeth,

We have reviewed the settlement proposal you forwarded and have the following thoughts/counterproposal:

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

4. [REDACTED]

If you would like to discuss this further, please feel free to give me a call.

Whitney