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Filing date: **07/08/2014**

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

Proceeding	92057484
Party	Plaintiff Shirley's World, L.P.
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Submission	Motion to Suspend for Settlement Discussions
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Date	07/08/2014
Attachments	Stipulation to Suspend Proceedings.pdf(127543 bytes )

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

**In the Matter of Registration No. 3418196 and Registration No. 4191275  
(Consolidated Proceedings)**

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Shirley's World, L.P.,

Cancellation No.  
92057484 (Parent Case)

Cancellation No.  
92057506

Petitioner,

- against -

Earl C.J. Prater,  
Respondent

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**STIPULATION TO SUSPEND  
PROCEEDINGS FOR 90 DAYS**

I. Stipulation.

Pursuant TBMP §510(c) and 37 CFR §2.117, Petitioner, Shirley's World, L.P., on the one hand, and Respondent, Earl C.J. Prater, on the other hand (collectively, the "Parties"), have agreed to suspend these consolidated proceedings for purposes of settlement negotiations for a ninety (90) days. This stipulation is subject to the right of either party to request resumption at any time. See MacMillan Bloedel Ltd. v. Arrow-M Corp., 203 USPQ 952 (TTAB 1979).

II. Good Cause.

Good cause exists to grant the stipulation: The Parties have been actively involved in on-going settlement negotiations since May, 2014, and while the negotiations have been productive, they have also taken more time than originally anticipated. A settlement of the issues presented in these proceedings requires much detail and documentation. The Parties need time to negotiate the terms of a settlement, and then to properly document those terms. There is no basis upon

which to allege bad faith, negligence, or tactics solely designed to delay in connection with this stipulation to suspend the proceedings.

Moreover, it should be noted that, based upon preliminary discussions, the Parties believed that settlement of this matter was a reasonable possibility, and, therefore, they agreed to extend the May 20, 2014 deadline to serve initial disclosures so as to avoid spending the time and money necessary to complete that task unless and until settlement discussions failed. Accordingly, the Parties have not yet served initial disclosures (the current stipulated deadline to do so is July 8, 2014). If these proceedings are resumed, the Parties respectfully request that the Board set new deadlines and trial dates, starting with the deadline to serve initial disclosures.

III. Conclusion.

The Parties respectfully request that the Board agree to their stipulated ninety (90) day suspension of these consolidated proceedings, subject to the right of either party to request resumption at any time, for the purpose of negotiating a settlement of all claims and issues raised in the proceedings.

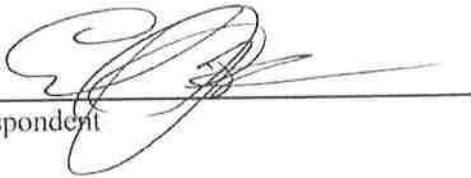
Dated: July 7, 2014

EISNER JAFFE  
GORRY CHAPMAN & ROSS

By: /s/ Jackie M. Joseph  
Jackie M. Joseph  
Attorneys for Petitioner, Shirley's World,  
L.P.

Dated: July 7, 2014

Earl C.J. Prater

  
Respondent

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **STIPULATION TO SUSPEND PROCEEDINGS FOR 90 DAYS** was served upon Respondent in this action addressed as follows:

Mr. Earl C.J. Prater  
Respondent, acting on his own behalf  
P.O. Box 51542  
Sparks, NV 89435-1542

**BY MAIL.** I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the U.S. Postal Service. Under that practice such envelope(s) is deposited with the U.S. Postal Service on the same day this declaration was executed, with postage thereon fully prepaid at 9601 Wilshire Boulevard, Suite 700, Beverly Hills, California 90210, in the ordinary course of business.

Executed on July 8, 2014, at Beverly Hills, California.

EISNER JAFFE  
GORRY CHAPMAN & ROSS

By:  /s/ Jackie M. Joseph \_\_\_\_\_  
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