

ESTTA Tracking number: **ESTTA759680**

Filing date: **07/21/2016**

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

Proceeding	92063501
Party	Plaintiff Discover Financial Services
Correspondence Address	DEBORAH K SQUIER COWAN LIEBOWITZ & LATMAN PC 114 WEST 47TH STREET NEW YORK, NY 10036 UNITED STATES tjb@ccl.com, dks@ccl.com, fxm@ccl.com, trademark@ccl.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	DEBORAH k SQUIERS
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Signature	/Deborah K. Squiers/
Date	07/21/2016
Attachments	DISCOVERISK.pdf(21694 bytes)

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

In the Matter of U.S. Registration No. 3941491
Date of Registration: April 5, 2011

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DISCOVER FINANCIAL SERVICES, :
: Petitioner, : Cancellation No. 92063501
: v. :
: MILLHISER-SMITH AGENCY, INC., :
: Registrant. :
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MOTION ON CONSENT TO SUSPEND

Petitioner, with the consent of Registrant, hereby requests that the proceedings be suspended for 180 days. The parties have settled their dispute, and as part of the settlement, the parties have agreed to request suspension of these proceedings while the USPTO considers Registrant’s amendment to its pending separate application for the mark DISCOVERISK MILLHISERSMITH, US Ser. No. 86971385. Registrant will file the amendment with the USPTO shortly.

Accordingly, Petitioner requests that the proceedings be suspended for 180 days, and that the deadline for Registrant to answer and all other deadlines extended accordingly as follows:

Time to Answer :	02/16/2017
Deadline for Discovery Conference :	03/18/2017
Discovery Opens :	03/18/2017
Initial Disclosures Due :	04/17/2017
Expert Disclosures Due :	08/15/2017
Discovery Period to Close :	09/14/2017

Plaintiff Pretrial Disclosures :	10/29/2017
Plaintiff's 30-day Trial Period Ends :	12/13/2017
Defendant's Pretrial Disclosures :	12/28/2017
Defendant's 30-day Trial Period ends :	02/11/2018
Plaintiff's Rebuttal Disclosures :	02/26/2018
Plaintiff's 15-day Rebuttal Period Ends :	03/28/2018

If the Board grants this motion, the Board should reset all deadlines as outlined above.

Dated: New York, New York
July 21, 2016

Respectfully submitted,
COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Petitioner

By: /Deborah K. Squiers/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Motion on Consent to Suspend was served on Registrant by mailing on July 21, 2016 a copy first class, postage prepaid, addressed to Bradley & Riley PC, P.O. Box 2804, Cedar Rapids, Iowa 52406-2804.

/Deborah K. Squiers/
Deborah K. Squiers