

ESTTA Tracking number: **ESTTA262363**

Filing date: **01/23/2009**

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

Proceeding	91171090
Party	Plaintiff Mars, Incorporated
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Date	01/23/2009
Attachments	AMENDED MOTION TO SUSPEN Making Memories Wholesale.pdf (3 pages) (73439 bytes)

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

MARS, INCORPORATED

Plaintiff

v.

MAKING MEMORIES WHOLESALE, INC.

Defendant,

Opposition No.: 91171090

Serial No.: 78/310541

AMENDED MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

Opposer, Mars, Incorporated, by and through counsel, hereby moves for an order for suspension of the proceedings in this matter for a period of 60 days, or until May 23, 2009. Applicant, Making Memories Wholesale, Inc., by and through its counsel, stipulates to this motion.

The grounds for this request are as follows:

Parties are actively engaged in settlement negotiations and finalizing an Agreement.

Opposer's attorney overseeing this matter went on maternity leave this fall. When the file was transferred to the new attorney overseeing this matter, Sarah I. Marks, Ms. Marks prepared and sent Applicant's counsel a draft Agreement.

On January 12, 2009, the parties resolved the issue of the disposition of certain goods offered by Applicant and certain use limitations on Applicant's mark.

Outstanding issues involve one aspect of presentation of Applicant's mark and whether or not the application will be withdrawn. The Parties have been actively corresponding in order to address these remaining issues and settle this matter.

The Parties request that all subsequent trial dates be reset accordingly:

Discovery Period to Close:

CLOSED

Thirty-day testimony period for party
in position of plaintiff to close:

May 23, 2009

Thirty-day testimony period for party
in position of defendant to close:

July 22, 2009

15-day rebuttal testimony period for
plaintiff to close:

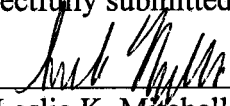
September 5, 2009

Mars, Incorporated has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Dated: January 22, 2009

Respectfully submitted

By: _____


Leslie K. Mitchell
Sarah I. Marks

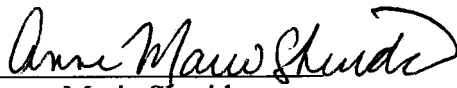
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212.484.3900

Attorneys for Plaintiff
MARS, INCORPORATED

CERTIFICATE OF SERVICE

Anne Marie Sheridan hereby certified that a true and complete copy of the foregoing Answer was mailed via first class mail on this 22nd day of January 2009 to counsel for Applicant:

Gordon K. Hill, Esq.
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Sandy, UT 84070
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Anne Marie Sheridan
Senior Trademark Paralegal