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

Proceeding	91173798
Party	Defendant Rhode Island Novelty, Inc. Rhode Island Novelty, Inc. 5 Industrial Rd Cumberland, RI 02864  tmdocket@haslaw.com
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Date	02/28/2007
Attachments	Motion_to_Show_Cause_Stipulated_Motion_to_Suspend.pdf ( 3 pages )(93960 bytes )

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

_____	)	
K&M International, Inc.,	)	
	)	
Opposer,	)	
	)	
v.	)	<b>Opposition No. 91173798</b>
	)	<b>Mark: WILD ADVENTURES</b>
Rhode Island Novelty, Inc.,	)	<b>Serial No.: 78/663504</b>
	)	<b>Class 35</b>
	)	
Applicant.	)	
_____	)	

**MOTION TO SHOW CAUSE AND STIPULATED MOTION FOR SUSPENSION  
OF PROCEEDINGS**

The following is being submitted in response to the January 29, 2007 Order of the Trademark Trial and Appeal Board issued in the above referenced matter for Applicant to show cause why judgment by default should not be entered. Applicant, by its attorney, hereby requests that that the Board set aside the notice of default as good cause exists not to enter default judgment.

An answer in the instant proceeding was due on December 17, 2006. The parties have been engaged for a number of months in negotiations to resolve the issues relating to Applicant's use and registration of the trademark WILD ADVENTURES. At the time the answer was due, it was believed in good faith by both parties that they had reached a resolution of the issues, and that pursuant to the terms of that resolution, the instant proceeding was to be dismissed. However, although the parties have been working in good faith to finalize their settlement discussions, settlement has not been completed. In

view of the foregoing, Applicant requests that the notice of default be set aside so that status quo between the parties may be maintained until the settlement is finalized and documented. Opposer is aware of Applicant's intention to file this motion, and has consented to the same. As such, it is submitted that Opposer is not, and has not been, unduly prejudiced by any delay in the proceeding. For the foregoing reasons, Applicant submits good cause exists to set aside the notice of default.

Further, Applicant hereby moves, pursuant to Trademark Rule 2.117(c), for suspension of all proceedings for six months, subject to the right of either party to request resumption of proceedings at any time prior thereto. As grounds in support of this motion, Applicant reiterates that the parties have been engaged in settlement discussions and are finalizing the terms which, if completed will obviate the need to move forward with this proceeding. Suspension is requested, for good cause, in order to allow the parties to maintain the status quo pending the completion of the relevant documentation and outcome of these settlement negotiations.

Counsel for Opposer, Jed Ferdinand, Esq., Grimes & Battersby, LLP, 488 Main Avenue, Ste. 300, Norwalk, Connecticut 06851 has consented to this motion in a telephone conference.

Respectfully submitted,



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Karen L. Feisthamel  
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50 Kennedy Plaza, Suite 1500  
Providence, Rhode Island 02903  
(401) 274-2000

Dated: February 28, 2007

**CERTIFICATE OF SERVICE**

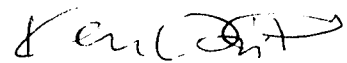
I, Karen L. Feisthamel, hereby certify that on February 28, 2007, a true and correct copy of the foregoing **MOTION TO SHOW CAUSE AND STIPULATED FOR SUSPENSION OF PROCEEDINGS** was mailed via 1<sup>st</sup> Class Mail, postage prepaid addressed to Opposer's attorneys:

Jed Ferdinand, Esq. and  
Jessica S. Rutherford, Esq.  
Grimes and Battersby, LLP  
488 Main Avenue, Ste. 300  
Norwalk, Connecticut 06851

  
\_\_\_\_\_  
Karen L. Feisthamel

**Certificate of E-filing**

I hereby certify that the foregoing **MOTION TO SHOW CAUSE AND STIPULATED MOTION FOR SUSPENSION OF PROCEEDINGS** was filed electronically with the Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451 on February 28, 2007.

  
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Karen L. Feisthamel