

ESTTA Tracking number: **ESTTA384481**

Filing date: **12/17/2010**

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

Proceeding	91174453
Party	Plaintiff Detroit Red Wings, Inc.
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Submission	Motion to Suspend for Settlement Discussions
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Signature	/Thomas H. Prochnow/
Date	12/17/2010
Attachments	opp no 91174453.pdf (4 pages)(64963 bytes)

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

In the matter of trademark application Serial No. 78/607,026
Published in the Official Gazette on June 13, 2006

DETROIT RED WINGS, INC.	:	
	:	
Opposer,	:	Opposition No. 91174453
	:	
v.	:	
	:	
RED WING SHOE COMPANY, INC.	:	
Applicant.	:	

STIPULATED MOTION TO SUSPEND FOR GOOD CAUSE

By and through its attorneys, Opposer, DETROIT RED WINGS, INC., with the express consent of Applicant, requests that this proceeding be suspended for (60) days, until February 21, 2011, to allow the parties to continue their active settlement negotiations and that the trial schedule be reset accordingly. This motion is submitted in good faith and is not submitted for reasons of delay. The parties have most recently taken the following affirmative steps toward reaching a settlement.

In 1992, Applicant and Opposer entered into a coexistence agreement with respect to the United States. Subsequently, in 1999, Applicant and Opposer entered into a separate coexistence agreement with respect to Canada. Now, in light of the growth of the parties' respective businesses outside of North America and the evolution of the parties' respective areas of business in the United States and Canada, the parties are in the process of negotiating a worldwide coexistence agreement that would replace the two existing coexistence agreements governing the United States and Canada. Concurrent with these negotiations, the parties are engaged in approximately a half-dozen pending trademark opposition proceedings in various jurisdictions worldwide, all of which have been suspended in light of the ongoing negotiations.

At this stage, the remaining issue to be negotiated in the settlement agreement is categorizing the particular goods in Class 25 in connection with which each party will be able to use and/or register its respective trademarks. On February 11, 2010, the parties engaged in a telephone conference to discuss this remaining issue. On March 18, 2010, Applicant sent to Opposer proposed language addressing the categorization of the particular goods in Class 25. On March 19, 2010, Opposer sent Applicant comments on Applicant's proposed language. On June 21, 2010, the parties engaged in a telephone conference discussing each parties' changes to this proposed language. On July 23, 2010, Opposer sent Applicant the settlement agreement including each parties' changes to the proposed language for review. On September 23, 2010, Applicant sent Opposer a new draft of the settlement agreement with a handful of proposed changes. On September 27, 2010, Opposer sent Applicant a new markup with several additional changes. Applicant and its attorney have recently discussed these changes and are currently preparing a written response to Opposer. The parties are requesting a 60-day suspension with the goal that the remaining terms of the settlement agreement can be finalized within that time.

In the event that the Board denies this motion, the parties request an extension of time for both sides to submit their initial disclosures until thirty (30) days after such denial.

Opposer respectfully submits that there is good cause for an extension pursuant to Rule 510.03 of the Trademark Trial and Appeal Board Manual of Procedure and requests that the proceeding be suspended and the dates reset as follows:

Proceedings resume	February 21, 2011
Discovery Closes	June 21, 2011
Plaintiff's 30-day Testimony Period Ends	September 19, 2011

Defendant's 30-day Testimony
Period Ends

November 18, 2011

Plaintiff's 15-day Rebuttal
Period Ends

January 2, 2012

Dated: December 17, 2010

Respectfully submitted,

By: 

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Attorneys for Opposer

CERTIFICATE OF SERVICE

I, Thomas H. Prochnow, hereby swear and affirm that on December 17, 2010, I caused to be served by email a true and correct copy of the foregoing STIPULATED MOTION TO SUSPEND FOR GOOD CAUSE on Applicant at the following address:

Brent E. Routman, Esq.
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Dated: December 17, 2010


Thomas H. Prochnow