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

Proceeding	91175185
Party	Plaintiff Muelhens GMBH & Co. KG
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Submission	Motion to Suspend for Settlement Discussions
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Signature	/Leon Medzhibovsky/
Date	01/11/2011
Attachments	Muelhens v. Mallygirl - MALLYGIRL - Opp No. 91175185.pdf ( 3 pages )(687604 bytes )

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

In re the matter of Trademark  
Application Serial No. 76/614,562  
Filing Date: September 20, 2005  
Mark: MALLYGIRL  
Published for Opposition: December 12, 2006

Muelhens GmbH & Co. KG	)	
	)	
Opposer,	)	
	)	
v.	)	
	)	Opposition No. 91175185
	)	
Mallygirl LLC,	)	
	)	
Applicant.	)	

**OPPOSER’S CONSENTED MOTION FOR A  
NINETY-DAY SUSPENSION OF PROCEEDINGS  
PENDING SETTLEMENT NEGOTIATIONS**

Pursuant to 37 C.F.R. § 2.117(c) and TBMP § 510.01, Opposer Muelhens GmbH & Co. KG, with the consent of Applicant Mallygirl LLC, by and through undersigned counsel, requests the Trademark Trial and Appeal Board (“Board”) suspend the subject proceedings for a period of ninety days and that said suspension of proceedings may be ended upon the request of either party with notice to the other. The specific grounds for this request are as follows:

**Since the Trademark Trial and Appeal Board ("Board") granted the previous extension, the Parties' representatives continue to engage in discussions with an eye to reaching a formalized settlement Agreement, which is expected to resolve fully the issues pending before the Board. As of January 10, 2011, the parties had reached an Agreement in principle, but Applicant requires additional time to finalize certain details, including, *inter alia*, definitional provisions relating to Applicant's goods. The Parties will continue to confer actively as to additional updates/changes to said Agreement over the next several weeks, and fully intend to secure a binding Agreement. Because the Parties are endeavoring to reach a consensus on the final details in the Agreement, Opposer and Applicant mutually agreed via email on January 10, 2011 to suspend proceedings for a period of ninety days. The Parties intend to secure a fully-executed settlement Agreement**

**within that timeframe. The Parties believe that the issues raised in this status report have a direct bearing on the overall scope and merits of the case. For these reasons, the Parties request that further appropriate action be taken in these proceedings, including the granting of a ninety-day suspension of Discovery and Trial periods, to provide sufficient time to effectuate a final resolution of all outstanding issues in the above-entitled action. This request, if granted, would be a savings of time and expense both for the Parties and the Board. The Parties respectfully submit that this motion is not made for the purpose of unduly delaying these proceedings before the Board. The Parties believe that they have shown good cause as to why the instant Motion for suspension of the relevant Discovery and Trial Periods should be granted, so that they may continue to negotiate a resolution in good faith.**

On January 10, 2011, Applicant's counsel, Ronald E. Shapiro, consented and agreed to the above-requested suspension of proceedings via email.

WHEREFORE, Opposer, with the consent of Applicant, respectfully requests that this motion for suspension of proceedings pending settlement negotiations be granted and that the Board re-set discovery and testimony dates in the subject proceedings as set forth herewith:

Proceedings Resume	April 12, 2011
Discovery Closes	August 10, 2011
Plaintiff's 30-Day Trial Period Opens	October 9, 2011
Plaintiff's 30-Day Trial Period Ends	November 8, 2011
Defendant's 30-Day Trial Period Opens	December 8, 2011
Defendant's 30-Day Trial Periods Ends	January 7, 2012
Plaintiff's 15-Day Rebuttal Period Opens	February 6, 2012
Plaintiff's 15-Day Rebuttal Periods Ends	February 21, 2012

Respectfully submitted,

**MUEHENS GmbH & CO. KG**

By: /Leon Medzhibovsky/  
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*Attorneys for Opposer*

Dated: January 11, 2011

**CERTIFICATE OF SERVICE**

I, Leon Medzhibovsky, do hereby certify that I have this 11th day of January, 2011 served a copy of the foregoing OPPOSER'S CONSENTED MOTION FOR A NINETY-DAY SUSPENSION OF PROCEEDINGS PENDING SETTLEMENT NEGOTIATIONS via email and first class mail, postage prepaid, and addressed to:

Ronald E. Shapiro  
SHAPIRO and SILVERSTEIN PLLC  
11350 Random Hills Road, Suite 740  
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/Leon Medzhibovsky/  
Leon Medzhibovsky  
Attorney for Opposer