

ESTTA Tracking number: **ESTTA285981**

Filing date: **05/27/2009**

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

Proceeding	91181979
Party	Plaintiff Angels Baseball LP
Correspondence Address	Antonio Borrelli Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES axb@cll.com, trademark@cll.com
Submission	Other Motions/Papers
Filer's Name	Jill K. Tomlinson
Filer's e-mail	jkt@cll.com
Signature	/Jill K. Tomlinson/
Date	05/27/2009
Attachments	IBIZA ANGELS Motion to Resume.pdf (3 pages)(11322 bytes)

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

-----	x
ANGELS BASEBALL LP,	:
Opposer,	: Opposition No. 91181979
v.	:
IBIZA ANGELS LIMITED,	:
Applicant.	:
-----	x

OPPOSER’S MOTION TO RESUME PROCEEDINGS

Opposer, by and through counsel, hereby requests that the Board issue an Order resuming the above-captioned proceeding and resetting the answer, discovery and trial periods accordingly.

As grounds for its motion, Opposer submits that the proceeding should be resumed because the parties’ settlement discussions have not been successful. Since the parties are no longer engaged in the settlement negotiations that formed the basis for the suspension set forth in the Board's December 30, 2008 Order, there is no reason for the suspension to continue. See TBMP § 510.03 ("When proceedings are suspended for purposes of settlement negotiations . . . [e]ach party has the right to request resumption at any time during the suspension period"). Since the parties' settlement negotiations are no longer in progress, Opposer respectfully requests that the Board issue an order resuming the proceeding.

In this regard, Opposer requests that the Board reset the Applicant's time in which to answer the Notice of Opposition, as well as the discovery and trial periods.

Conclusion

For the foregoing reasons, Opposer respectfully requests that the Board issue an order resuming the opposition proceeding and resetting Applicant's deadline in which to answer the Notice of Opposition along with the discovery and trial periods as set forth above.

Dated: New York, New York
May 27, 2009

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By /Jill K. Tomlinson/
Mary L. Kevlin
Jill K. Tomlinson
1133 Avenue of the Americas
New York, New York 10036-6799
(212) 790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing MOTION TO RESUME was sent via First Class Mail, postage paid to Applicant's counsel, Brian R. McGinley, Esq., Sonnenschein, Nath & Rosenthal LLP, PO Box 061080, Chicago, Illinois 60606-1080, on May 27, 2009.

/Jill K. Tomlinson/

Jill K. Tomlinson