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

Proceeding	91183238
Party	Plaintiff Commerce Bancorp
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Submission	Motion to Suspend for Settlement Discussions
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Date	05/29/2009
Attachments	91183238 Stipulated Motion to Suspend.pdf (4 pages)(34945 bytes)

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

<p>THE TORONTO-DOMINION BANK (by way of merger, name changes, and assignments from COMMERCE BANCORP, INC.),</p> <p>Opposer,</p> <p>v.</p> <p>JIM KOONS MANAGEMENT COMPANY,</p> <p>Applicant.</p>	<p>Opposition No. 91183238</p> <p>Mark: WE'RE GONNA WOW YA! Serial No. 77263036 Filed: August 23, 2007</p> <p>Mark: WE'RE GONNA WOW YA! Serial No. 77263026 Filed: August 23, 2007</p> <p>Mark: WE'RE GONNA WOW YA! Serial No. 77263043 Filed: August 23, 2007</p> <p>Mark: WE'RE GONNA WOW YA! Serial No. 77263022 Filed: August 23, 2007</p>
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STIPULATED MOTION TO SUSPEND

Subject to the approval of the Board, The Toronto-Dominion Bank (by way of merger, name changes, and assignments from Commerce Bancorp, Inc.) ("Opposer") and Jim Koons Management Company ("Applicant") request that proceedings be suspended for an additional period of sixty (60) days, namely, until July 31, 2009, subject to the right of either party to request resumption of proceedings at any time. Trademark Rule 2.117(c).

A series of documents reflecting a merger and name changes for Commerce Bancorp, Inc. have been recorded at the PTO at Reel/Frame numbers 003994/0184; 003994/0220; and 003994/0198; and the registrations used to challenge the applications at issue in this proceeding have been assigned to Opposer and were recorded at Reel/Frame numbers 003994/0259 and 003994/0274. The details of the

merger, name changes, and assignments are more specifically set forth in the parties' Consented Motion To Substitute Party Plaintiff filed with the Board on May 29, 2009.

This request is filed for good cause and not for purposes of delay. Since filing the May 4, 2009 Stipulation to Suspend Proceedings Pending Settlement Negotiations, the parties have been actively engaged in settlement negotiations and are continuing to discuss a possible settlement of this matter. As recently as May 28, 2009, counsel for the parties agreed upon settlement terms and are now in the process of finalizing a written agreement. Accordingly, Opposer submits that good cause has been shown to grant the suspension.

Upon resumption of proceedings, if any, the parties respectfully request that the remaining case deadlines be reset as set forth below:

Action	Proposed Deadline
Expert Disclosures Due	8/10/2009
Discovery Period to Close	8/29/2009
Plaintiff Pretrial Disclosures	10/13/2009
Plaintiff's 30-day Trial Period Ends	11/27/2009
Defendant's Pretrial Disclosures	12/12/2009
Defendant's 30-day Trial Period ends	1/26/2010
Plaintiff's Rebuttal Disclosures	2/10/2010
Plaintiff's 15-day Rebuttal Period Ends	3/12/2010

Applicant's counsel, Kevin Oliveira, stipulated to the suspension during a telephone conference with Opposer's undersigned counsel on May 28, 2009.

Dated: May 29, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Lawrence R. Robins', written over a horizontal line.

Lawrence R. Robins

Anna C. Bonny

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Counsel for Opposer

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing STIPULATED MOTION TO SUSPEND was served by email (by agreement) on May 29, 2009, upon the following counsel for Applicant:

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