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

Proceeding	91183710
Party	Plaintiff WNYC Radio
Correspondence Address	Cathy E. Shore - Sirotin Lackebach Siegel LLP One Chase RoadLackebach Siegel Building Scarsdale, NY 10583 UNITED STATES cshore@LSLLP.com
Submission	Motion to Suspend for Settlement Discussions
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Date	02/10/2009
Attachments	Consented Request to Suspend.pdf (2 pages)(329656 bytes)

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

In re: Serial No. **78/781,484**
Trademark: **SOUNDCHECK**
International Class: **35, 38 & 41**
Filing Date: **12/28/2005**
Publication Date: **12/25/2007**

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WNYC RADIO,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.: 91/183,710
	:	
WAL-MART STORES, INC.,	:	
	:	
Applicant.	:	
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**OPPOSER’S MOTION WITH CONSENT TO
SUSPEND THE PROCEEDINGS**

Opposer, WNYC RADIO, (“Opposer”), by its attorneys, with the consent of Applicant’s counsel,¹ hereby moves to suspend these proceedings for an additional period of thirty (30) days pursuant to 37 C.F.R. § 2.117(c). The parties conducted their discovery conference via telephone on August 1, 2008, in accordance with the Trademark Trial and Appeal Board’s scheduling order.

Notably, during the discovery conference, the parties discussed the possibility of settlement. The parties have had several additional settlement discussions and have made significant progress, but have not yet reached agreement on all issues. The most recent settlement discussion was today, significant progress was made, and the parties believe they are

¹ Applicant WAL-MART STORES, INC. (“Applicant”) consented to this suspension via a telephone conference between counsel on February 10, 2009.

very close to resolving this matter. Thus, this request is not made for purposes of delay, but rather, to provide the parties with sufficient time to continue their settlement discussions, and hopefully resolve this matter amicably, without the need to continue this opposition proceeding. If this suspension is not granted, proceedings would resume on this coming Monday, February 16, 2009.

For the reasons set forth above, it is respectfully submitted that good cause for this request has been demonstrated, and that the proceedings should be suspended for a period of thirty (30) days.

Dated: February 10, 2009

Respectfully Submitted,

LACKENBACH SIEGEL LLP

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the enclosed Opposer's Consented Motion to Suspend the Proceedings was served on Applicant, this day, by U.S. 1st Class first class mail, postage prepaid, addressed to Counsel for Applicant, as follows:

Susan A. Smith, Esq.
KENYON & KENYON LLP
1500 K Street, NW, Suite 700
Washington, DC 20005-1257

Dated: Scarsdale, New York
February 10, 2009


Nicole Saraco