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

Proceeding	91183831
Party	Defendant EIGHTY-EIGHT, LLC
Correspondence Address	Karl S. Sawyer, Jr. K&L Gates, LLP 214 North Tryon Street, Hearst Tower, 47th Floor Charlotte, NC 28202 UNITED STATES NLEVY@RBH.COM
Submission	Motion to Suspend for Settlement Discussions
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Date	12/19/2008
Attachments	StipMotintoContinueSuspensionProceedings.PDF (3 pages)(51686 bytes)

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

THE 88)	
)	
Opposer,)	
)	Opposition No.: 91183831
v.)	
)	Serial No. 78/830,746
EIGHTY-EIGHT, LLC)	Mark: 88
)	
Applicant.)	
)	
)	
)	

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

STIPULATED JOINT MOTION TO CONTINUE SUSPENSION OF PROCEEDINGS

Dear Sir or Madam:

Applicant and Opposer hereby jointly move the Board to continue the suspension of the above-captioned opposition proceedings for an additional three (3) months through and including March 26, 2008, pending conclusion of ongoing settlement negotiations concerning the mark which is the subject of this proceeding. The suspension is subject to the right of either party to request resumption of this proceeding.

The parties previously requested suspension of this proceeding based on settlement discussions, and the Board approved a suspension which currently runs through December 26, 2008. The parties have agreed in principle to general terms for settlement of this proceeding, and an initial draft of a proposed written settlement agreement is currently under review by the parties. Additional time is needed for the parties to finalize and execute the proposed settlement agreement. The parties wish to avoid the time constraints and expenses associated with discovery deadlines while finalizing terms of settlement. Accordingly, it is believed that this request is not being made for purposes of delay.

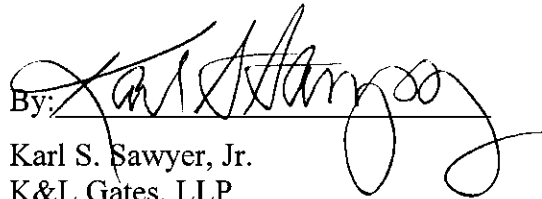
Opposer's counsel, Michael N. Cohen, has consented to and joins in this motion, and has agreed to filing hereof by Applicant's undersigned counsel on behalf of both parties.

The parties' therefore request favorable action on this motion. The parties further request that, should proceedings resume or this motion be denied, that the deadline for initial disclosures be reset at least fifteen (15) days from the date of the Board's order and that all succeeding deadlines in this Opposition be reset commensurately thereafter.

This 19th day of December, 2008.

Respectfully submitted,

K&L GATES, LLP

By: 

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Certificate of Electronic Service and Mail

I hereby certify that the foregoing STIPULATED JOINT MOTION TO CONTINUE SUSPENSION OF PROCEEDINGS is being submitted electronically via the Electronic System for the Trademark Trial and Appeals, and was served upon Opposer's attorney by depositing a copy of said document in the U.S. mail, postage prepaid, in an envelope addressed to:

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By: _____

Karl S. Sawyer, Jr.

Dated December 19, 2008