

ESTTA Tracking number: **ESTTA293154**

Filing date: **07/02/2009**

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

Proceeding	91184283
Party	Plaintiff Houston McLane Company, Inc.
Correspondence Address	Roberto Ledesma Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES rxl@cll.com, trademark@cll.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Roberto Ledesma
Filer's e-mail	rxl@cll.com, trademark@cll.com
Signature	/Roberto Ledesma/
Date	07/02/2009
Attachments	americanracingMOTION2.PDF (3 pages)(9556 bytes)

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

In re Application Serial Nos. 78/937,899; 78/937,924; 78/937,962; 78/937,929 and
78/937,948

Filed: July 26, 2006

For Marks: AR AMERICAN RACING and Star Design; AR and Star Design; AMERICAN
RACING PERFORM and Star Design; Star Design and AMERICAN RACING PERFORM
and Star Design

Published in the Official Gazette: November 27, 2007

-----	X	
	:	
HOUSTON MCLANE COMPANY, INC.,	:	
	:	
Opposer,	:	
	:	Consolidated
v.	:	Opposition No. 91184283
AMERICAN RACING EQUIPMENT, INC.,	:	
	:	
Applicant.	:	
	:	
-----	X	

Commissioner of Trademarks
Attn.: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

**MOTION ON CONSENT TO CONTINUE SUSPENSION OF THE PROCEEDINGS
AND TO EXTEND DISCOVERY PERIOD IF OPPOSITION IS RESUMED**

Opposer, by and through counsel, hereby moves for an order to continue suspension
of the proceedings in this matter for a period of three (3) months until **October 6, 2009**.

Applicant's counsel consented to this motion to suspend, which is requested to allow the
parties to continue to engage in settlement discussions.

Progress has been made in this matter. Since the last continuance, Applicant's counsel provided Opposer with a settlement proposal. The additional time is requested to allow Opposer and Opposer's counsel time to consider the proposal and terms to an agreement. If accepted, the settlement agreement would resolve this matter without the need to continue with the opposition proceeding.

In the event that the Board denies this motion, Opposer consents to an extension of time for Applicant to file an answer or otherwise respond to the Notice of Opposition until sixty (60) days after such denial.

If the Board grants this motion, the Board should reset Applicant's time to answer or otherwise respond to the Notice of Opposition and the other deadlines. The parties request that six (6) months of discovery be allowed and that the discovery cutoff be reset to six (6) months after the proceedings resume so that the parties will have the full period of discovery in the event that the matter is not able to be resolved. The trial and other periods should be reset accordingly.

Dated: New York, New York
July 2, 2009

Respectfully submitted,

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

By: /Roberto Ledesma/

Mary L. Kevlin
Richard S. Mandel
Roberto Ledesma
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200
Attorneys for Opposer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing MOTION ON CONSENT to be sent via e-mail as agreed by the parties to Applicant's correspondent of record, Leigha E. Wilbur, Morgan, Lewis & Bockius LLP, One Market, Spear Street Tower, San Francisco, CA 74105, at lwilbur@morganlewis.com on July 2, 2009.

/Roberto Ledesma/

Roberto Ledesma