

ESTTA Tracking number: **ESTTA400953**

Filing date: **03/31/2011**

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

Proceeding	91188495
Party	Plaintiff Detroit Red Wings, Inc.
Correspondence Address	THOMAS H PROCHNOW NHL ENTERPRISES LP 1185 AVENUE OF THE AMERICAS, 15TH FLOOR NEW YORK, NY 10036 UNITED STATES mgold@nhl.com, tprochnow@nhl.com, klynch@nhl.com, anunez@nhl.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Thomas H. Prochnow
Filer's e-mail	tprochnow@nhl.com, klynch@nhl.com, anunez@nhl.com, vfaraci@nhl.com
Signature	/Thomas H. Prochnow/
Date	03/31/2011
Attachments	RWS Stipulated Motion to Suspend - 91188495 - 3.31.11.pdf ( 3 pages )(49750 bytes )

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

In the matter of trademark application Serial No. 77/415,965  
Published in the Official Gazette on July 29, 2008

DETROIT RED WINGS, INC.	:	
	:	
Opposer,	:	Opposition No. 91188495
	:	
v.	:	
	:	
RED WING SHOE COMPANY, INC.	:	
Applicant.	:	
	:	

**STIPULATED MOTION TO SUSPEND FOR GOOD CAUSE**

By and through its attorneys, Opposer, DETROIT RED WINGS, INC., with the express consent of Applicant, requests that this proceeding be suspended for 60 days to allow the parties to continue their active settlement negotiations and that the trial schedule be reset accordingly. This motion is submitted in good faith and is not submitted for reasons of delay. The parties have most recently taken the following affirmative steps toward reaching a settlement.

In 1992, Applicant and Opposer entered into a coexistence agreement with respect to the United States. Subsequently, in 1999, Applicant and Opposer entered into a separate coexistence agreement with respect to Canada. Now, in light of the growth of the parties' respective businesses outside of North America and the evolution of the parties' respective areas of business in the United States and Canada, the parties are in the process of negotiating a worldwide coexistence agreement that would replace the two existing coexistence agreements governing the United States and Canada. Concurrent with these negotiations, the parties are engaged in approximately a half-dozen pending trademark opposition proceedings in various jurisdictions worldwide, all of which have been suspended in light of the ongoing negotiations.

The parties are pleased to report that their respective attorneys have agreed upon language to resolve the last remaining issue in the draft settlement agreement. The settlement agreement is now being circulated to the various signatories for execution. The parties are


requesting a 60-day suspension with the goal that the settlement agreement can be fully executed within that time.

Opposer respectfully submits that there is good cause for an extension pursuant to Rule 510.03 of the Trademark Trial and Appeal Board Manual of Procedure and requests that the proceeding be suspended and the dates reset as follows:

Proceedings Resume	June 3, 2011
Initial Disclosures Due	July 3, 2011
Expert Disclosures Due	October 31, 2011
Discovery Closes	November 30, 2011
Plaintiff's Pretrial Disclosures	January 14, 2012
Plaintiff's 30-day Trial Period Time	February 28, 2012
Defendant's Pretrial Disclosures	March 14, 2012
Defendant's 30-day Trial Period Ends	April 29, 2012
Plaintiff's Rebuttal Disclosures	May 13, 2012
Plaintiff's 15-day Rebuttal Period Ends	June 12, 2012

Dated: March 31, 2011

Respectfully submitted,

By: 

Thomas H. Prochnow  
Kelley A. Lynch  
Conal Berberich  
NHL Enterprises, L.P.  
1185 Avenue of the Americas, 15<sup>th</sup> Floor  
New York, NY 10036  
[tprochnow@nhl.com](mailto:tprochnow@nhl.com)  
[klynch@nhl.com](mailto:klynch@nhl.com)  
[cberberich@nhl.com](mailto:cberberich@nhl.com)  
Tel. (212) 789-2000  
Fax. (212) 789-2727

Attorneys for Opposer  
Detroit Red Wings, Inc.

**CERTIFICATE OF SERVICE**

I, Thomas H. Prochnow, hereby swear and affirm that on March 31, 2011, I caused to be served by email a true and correct copy of the foregoing STIPULATED MOTION TO SUSPEND FOR GOOD CAUSE on Applicant at the following address:

Brent E. Routman, Esq.  
Merchant & Gould, P.C.  
P.O. Box 2910  
Minneapolis, MN 55402  
BRoutman@merchantgould.com

Dated: March 31, 2011

  
Thomas H. Prochnow