

ESTTA Tracking number: **ESTTA315370**

Filing date: **11/05/2009**

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

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| Proceeding. | 91191320 |
| Applicant | Defendant Wayne/Scott Fetzer Company |
| Other Party | Plaintiff Apex, LLC |

Motion for Suspension for Settlement With Consent

The parties are actively engaged in negotiations for the settlement of this matter. Wayne/Scott Fetzer Company requests that this proceeding be suspended for 60 days to allow the parties to continue their settlement efforts.

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| Time to Answer : | 01/11/2010 |
| Deadline for Discovery Conference : | 02/10/2010 |
| Discovery Opens : | 02/10/2010 |
| Initial Disclosures Due : | 03/12/2010 |
| Expert Disclosure Due : | 07/10/2010 |
| Discovery Closes : | 08/09/2010 |
| Plaintiff's Pretrial Disclosures : | 09/23/2010 |
| Plaintiff's 30-day Trial Period Ends : | 11/07/2010 |
| Defendant's Pretrial Disclosures : | 11/22/2010 |
| Defendant's 30-day Trial Period Ends : | 01/06/2011 |
| Plaintiff's Rebuttal Disclosures : | 01/21/2011 |
| Plaintiff's 15-day Rebuttal Period Ends : | 02/20/2011 |

Wayne/Scott Fetzer Company has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Wayne/Scott Fetzer Company has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,

/alisa simmons/

Alisa C. Simmons

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