

ESTTA Tracking number: **ESTTA397956**

Filing date: **03/14/2011**

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

Proceeding	91196782
Party	Plaintiff Redbox Automated Retail, LLC
Correspondence Address	JAMES P MURAFF NEAL GERBER & EISENBERG LLP TWO NORTH LASALLE STREET, SUITE 1700 CHICAGO, IL 60602 UNITED STATES mhall@ngelaw.com, jmuraff@ngelaw.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	James P. Muraff
Filer's e-mail	jmuraff@ngelaw.com, khinner@ngelaw.com, mhall@ngelaw.com
Signature	/James P. Muraff/
Date	03/14/2011
Attachments	Motion_to_Suspend.pdf (5 pages)(13968 bytes)

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

REDBOX AUTOMATED RETAIL, LLC

Petitioner/Plaintiff,

v.

NOVUS, INC.

Respondent/Defendant.

Opposition No. 91196782

In re: Serial No. 77849795

**CONSENTED MOTION REQUESTING EXTENSION OF SUSPENSION OF
PROCEEDING AND AMENDMENT OF SCHEDULING ORDER**

Pursuant to TBMP § 510.03 and 37 CFR § 2.117(c), Petitioner, Redbox Automated Retail, LLC (“Redbox”), by its attorneys, hereby moves for the entry of an Order requesting Suspension of this proceeding for good cause and amendment of the Scheduling Order entered on October 5, 2010. Respondent, Novus, Inc. (“Novus”) is in agreement with the proposed suspension. In support of this Motion, Redbox states as follows:

I. INTRODUCTION

1. Redbox initiated this opposition proceeding against Novus on October 5, 2010, requesting that registration of Serial No. 77849795 be refused.

2. On December 14, 2010, The Trademark Trial and Appeal Board (“the Board”) scheduled the following:

Discovery Opens	3/14/2010
Initial Disclosures Due	04/13/2011
Expert Disclosures Due	08/13/2011
Discovery Closes	09/12/2011

Plaintiff's Pretrial Disclosures	10/27/2011
Plaintiff's 30-day Trial Period Ends	12/10/2011
Defendant's Pretrial Disclosures	12/25/2011
Defendant's 30-day Trial Period Ends	2/9/2012
Plaintiff's Rebuttal Disclosures	2/24/2012
Plaintiff's 15-day Rebuttal Period Ends	3/24/2012

II. GROUNDS FOR SUSPENSION AND AMENDING THE SCHEDULING ORDER

3. The parties are generally in agreement to settle this matter and in the process of finalizing the settlement negotiations, prior to entering into any discovery.

4. The parties would now like to finalize settlement discussions and need additional time to resolve this matter.

5. The parties agree that a final settlement agreement will most likely be obtainable if given the opportunity to negotiate further without unnecessary expense.

6. Petitioner requests that the Board's Scheduling Order of December 14, 2010 be amended as follows:

Discovery Opens	05/14/2011
Initial Disclosures Due	06/13/2011
Expert Disclosures Due	10/13/2011
Discovery Closes	11/12/2011
Plaintiff's Pretrial Disclosures	12/27/2011
Plaintiff's 30-day Trial Period Ends	02/10/2012
Defendant's Pretrial Disclosures	02/25/2012
Defendant's 30-day Trial Period Ends	04/9/2012
Plaintiff's Rebuttal Disclosures	04/24/2012
Plaintiff's 15-day Rebuttal Period Ends	05/24/2012

WHEREFORE, Petitioner respectfully requests entry of an Order reflecting the above-identified agreed Suspension and agreed schedule.

Respectfully submitted,

Dated: March 14, 2011

REDBOX AUTOMATED RETAIL, LLC

/ James P. Muraff /
BY: James P. Muraff
One of its attorneys

James P. Muraff
NEAL, GERBER & EISENBERG, LLP
Two N. LaSalle St., Suite 1700
Chicago, IL 60602
(312) 269-8034
E-mail: jmuraff@ngelaw.com

Attorneys for Petitioner/Plaintiff

CERTIFICATE OF TRANSMISSION

I, James P. Muraff, hereby certify that the foregoing *Consented Motion Requesting Suspension of Proceeding and Amendment of Scheduling Order* is being electronically transmitted via the Electronic System for Trademark Trials and Appeals (“ESTTA”) at <http://esta.uspto.gov/> on the date noted below:

Date: March 14, 2011

By: / James P. Muraff/
Attorney for Redbox Automated Retail, LLC
James P. Muraff

Neal, Gerber & Eisenberg LLP
Two North LaSalle Street, Suite 1700
Chicago, Illinois 60602-3801
(312) 269-8000

CERTIFICATE OF SERVICE

I, James P. Muraff, state that I served a copy of the foregoing *Consented Motion Requesting Suspension of Proceeding and Amendment of Scheduling Order*, via Express Mail, U.S. postage prepaid, upon Applicant:

Travis D. Wheatley
O'NEILL & BORGES
250 Munoz Rivera Avenue, Suite 800
San Juan, Puerto Rico 00918

in accordance with Trademark Rule §§ 2.201 and 2.119 on this 14 day of March 2011.

/ James P. Muraff /
James P. Muraff

NGEDOCs: 1756256.2