

ESTTA Tracking number: **ESTTA388678**

Filing date: **01/17/2011**

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

Proceeding	91196784
Party	Plaintiff Miss Elaine, Inc.
Correspondence Address	CATHY J FUTROWSKY GALLOP JOHNSON & NEUMAN LC 101 SOUTH HANLEY ROAD, SUITE 1700 ST. LOUIS, MO 63105 UNITED STATES ip@gjn.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Cathy J. Futrowsky
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Date	01/17/2011
Attachments	Second Motion on Consent to Suspend Proceedings (91196784).pdf (2 pages) (24445 bytes)

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

In re Trademark Application Serial No. 77/768,313
Applicant: LF USA, Inc.
Mark: FASHIONABLY ME

MISS ELAINE, INC.,

Opposer,

vs.

LF USA, INC.,

Applicant.

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Opposition No. 91196784

SECOND MOTION ON CONSENT TO SUSPEND PROCEEDINGS

Opposer Miss Elaine, Inc. (“Opposer”), by and through its counsel, hereby moves for an order suspending the above-captioned proceeding for six (6) months and resetting the discovery and trial dates accordingly. During a telephone conference held on January 10, 2011, counsel for Applicant, Alison G. Carlson, consented to this motion. The current suspension request will allow the parties to finalize their settlement terms.

On January 6, 2011, the United States Trademark Trial and Appeal Board (“Board”) denied the parties’ original Stipulated Motion to Suspend Proceedings, filed on December 10, 2010, on the grounds that it failed to indicate whether the parties had held the mandatory discovery conference. The parties have since conferred by telephone on the topics required by Rule 26 of the Federal Rules of Civil Procedure, including the possibility of settlement, as well as the subjects set forth in the Board’s institution order of October 5, 2010.

Much progress has been made towards resolving this matter. In particular, the parties have narrowed the issues of negotiation and a draft settlement agreement has been circulated. Currently, Applicant is revising Opposer's proposed draft and, if accepted, the settlement agreement would resolve this matter amicably without the need to proceed with this opposition.

Accordingly, the parties respectfully request that this motion be GRANTED.

Respectfully submitted,

GALLOP, JOHNSON & NEUMAN, L.C.



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CERTIFICATE OF SERVICE

This is to certify that the above and foregoing SECOND MOTION ON CONSENT TO SUSPEND PROCEEDINGS was served upon counsel of record by U.S. mail, postage prepaid, and email, today, January 17, 2011, to:

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/Jessica Moman/ on behalf of *Sherry M. Cousins*
