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

Proceeding	91204424
Party	Defendant John Misumi
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Submission	Other Motions/Papers
Filer's Name	Brian P. Kinder
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Date	08/30/2012
Attachments	2012.08.30 - motion to suspend without consent.pdf ( 3 pages )(73269 bytes )

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No. 85-428,809

For the Mark: VISION SZR

Published in the Official Gazette of February 28, 2012

VISION WHEEL, INC.,

Opposer,

v.

JOHN MISUMI,

Applicant.

Opposition No. **91204424**

**APPLICANT'S UNCONSENTED MOTION FOR SIXTY (60) DAY  
SUSPENSION OF PROCEEDINGS FOR RETENTION OF NEW COUNSEL**

Applicant took seriously the Board's recommendation in its June 12, 2012 Order that Applicant retain counsel to represent Applicant in these proceedings. Shortly following the attendance of the Discovery Conference as required by the Board, on August 28, 2012, Applicant retained the undersigned counsel who comes before the Board with the – *unfortunately* – unconsented motion.

Pursuant to the Trademark Trial and Appeal Board Manual of Procedure ("TMBP") Section 510.03(a), Applicant hereby moves to suspend proceedings for a short period of time – sixty (60) days – in order to provide newly-retained counsel time to come up to speed on this matter and to explore the possibility of settlement with the opposing party.

In view of the upcoming deadlines pertaining to Applicant's Initial Disclosures, as well as responses to written discovery served by Opposer, Applicant's newly-retained counsel contacted counsel for Opposer and requested consent to a short suspension in these proceedings. To counsel's surprise, however, counsel for Opposer *would agree to what amounted to only a four (4) day extension of the discovery response deadlines*. Accordingly, this motion is submitted without the consent of Opposer.

Applicant respectfully requests that Board exercise its inherent authority to control proceedings and provide Applicant with the requested sixty (60) day suspension. The suspension is not requested for the purpose of delay, but – as indicated above – is brought in good faith for the purpose of providing newly-retained counsel to investigate the background and facts underlying this dispute as well as to explore the possibility of settlement. Should the Board grant Applicant’s motion, the following deadlines would apply:

<b><u>ACTION</u></b>	<b>:</b>	<b><u>PRESENT DEADLINE</u></b>	<b><u>NEW DEADLINE</u></b>
Applicant’s Initial Disclosures Due	:	08/31/2012	10/30/2012
Applicant’s Responses to Opposer’s 8/6/12 Discovery Requests	:	9/10/2012	11/08/2012
Expert Disclosure Due	:	12/29/2012	2/27/2013
Discovery Closes	:	1/28/2013	3/29/2013
Plaintiff’s Pretrial Disclosures	:	3/14/2013	5/13/2013
Plaintiff’s 30-day Trial Period Ends	:	4/28/2013	6/27/2013
Defendant’s Pretrial Disclosures	:	5/13/2013	7/12/2013
Defendant’s 30-day Trial Period Ends	:	6/27/2013	8/26/2013
Plaintiff’s Rebuttal Disclosures	:	7/12/2013	9/10/2013
Plaintiff’s 15-day Rebuttal Period Ends	:	8/11/2013	10/10/2013

Applicant respectfully requests that the Board grant the suspension and confirm the foregoing schedule of dates.

Dated: August 30, 2012

Respectfully submitted,

THE KINDER LAW GROUP, APC

s/Brian P. Kinder/  
 Brian P. Kinder, Esq.  
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 Attorneys for Applicant John Misumi

**CERTIFICATE OF TRANSMISSION AND SERVICE**

I certify that on August 30, 2012, the foregoing MOTION FOR SIXTY (60) DAY SUSPENSION is being electronically filed via the Trademark Trial and Appeal Board's Electronic System for Trademark Trials and Appeals ("ESTTA").

It is further certified that on August 30, 2012, the foregoing MOTION FOR SIXTY (60) DAY SUSPENSION is being served by mailing a copy thereof by U.S. first-class mail addressed to:

**Frank M. Caprio, Esq.  
Bradley Arant Boult Commings LLP  
200 Clinton Avenue West, Suite 900  
Huntsville, AL 35801-4900**

Executed this 30<sup>th</sup> day of August, 2012, in Irvine, California.

THE KINDER LAW GROUP, APC

s/Brian P. Kinder/

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