

ESTTA Tracking number: **ESTTA639344**

Filing date: **11/17/2014**

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

Proceeding	91211072
Party	Plaintiff Baltimore Orioles Limited Partnership, Washington Nationals Baseball Club, LLC, Major League Baseball Properties, Inc.
Correspondence Address	MARYANN E LICCIARDI COWAN LIEBOWITZ & LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES mel@cll.com, trademark@cll.com, jmn@cll.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Maryann E. Licciardi
Filer's e-mail	mel@cll.com, trademark@cll.com, jmn@cll.com
Signature	/Maryann E. Licciardi/
Date	11/17/2014
Attachments	BELTWAY SERIES BATTLE - Motion on Consent to Continue Suspension 111714.pdf(15943 bytes )

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

In re Application Serial Nos. 85/722,652 and 85/731,203

Filed: September 6, 2012 and September 17, 2012

For Marks: BELTWAY SERIES and BELTWAY BATTLE

Published in the Official Gazette: February 12, 2013

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MAJOR LEAGUE BASEBALL :  
PROPERTIES, INC., WASHINGTON :  
NATIONALS BASEBALL CLUB, LLC and : Opposition No. 91211072  
BALTIMORE ORIOLES LIMITED :  
PARTNERSHIP, :  
Opposers, :  
v. :  
PHILLIP KEVIN SMITH, :  
Applicant. :  
-----X

Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MOTION ON CONSENT TO CONTINUE SUSPENSION FOR SETTLEMENT**

Opposers, with the consent of Applicant, hereby request that the suspension of this proceeding be continued for thirty (30) additional days, and that the Discovery Deadline and all remaining dates be reset according, as follows:

<b>Proceedings Resume:</b>	12/17/2014
<b>Discovery Period to Close :</b>	01/13/2015
<b>Plaintiff Pretrial Disclosures :</b>	02/27/2015
<b>Plaintiff's 30-day Trial Period Ends :</b>	04/13/2015
<b>Defendant's Pretrial Disclosures :</b>	04/28/2015
<b>Defendant's 30-day Trial Period ends :</b>	06/12/2015
<b>Plaintiff's Rebuttal Disclosures :</b>	06/27/2015
<b>Plaintiff's 15-day Rebuttal Period Ends :</b>	07/27/2015

The parties have reached a settlement in principle. Specifically, the parties had negotiated the terms of a settlement agreement. Opposers' counsel then forwarded a proposed agreement to Applicant. Late last week, Applicant advised that Applicant is agreeable to the terms of the agreement and will sign the proposed agreement. The additional time is requested for Opposers' counsel to forward execution copies of the agreement to Applicant, and for the parties to continue to try to finalize the settlement of this matter. Once finalized, the agreement will resolve this matter without the need to proceed with the opposition.

Although Applicant's responses to Opposers' outstanding discovery requests (which were served on December 23, 2013) are past due, given the substantial progress that the parties have made toward the final resolution of this matter, the parties have agreed to suspend their discovery dispute during the requested suspension period. This motion, however, is not meant to re-open deadlines to respond to outstanding discovery requests.

Dated: New York, New York  
November 17, 2014

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
*Attorneys for Opposers*

By:           /Maryann E. Licciardi/            
Mary L. Kevlin  
Richard S. Mandel  
Maryann E. Licciardi

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New York, New York 10036  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 17, 2014, I caused a true and correct copy of the foregoing *Motion on Consent to Continue Suspension For Settlement* to be sent via First Class Mail, postage prepaid, to Applicant and Correspondent of Record, Phillip Kevin Smith, 3420 1/2 Brown St NW, Apt B, Washington, DC 20010-6122.

Dated: New York, New York  
November 17, 2014

/Maryann E. Licciardi/  
Maryann E. Licciardi