

ESTTA Tracking number: **ESTTA735001**

Filing date: **03/22/2016**

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

Proceeding	91212253
Party	Defendant Empire Resorts, Inc.
Correspondence Address	CHARLES R MACEDO AMSTER ROTHSTEIN & EBENSTEIN LLP 90 PARK AVENUE NEW YORK, NY 10016 UNITED STATES CMACEDO@ARELAW.COM, PTODOCKET@ARELAW.COM
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Holly Pekowsky
Filer's e-mail	ptodocket@arelaw.com
Signature	/Holly Pekowsky/
Date	03/22/2016
Attachments	3-22-16 Consent Motion to Continue Suspension (91212253).pdf(132584 bytes)

new counsel and Opposer's counsel engaged in a telephonic discussion and email correspondence regarding settlement status.

Thereafter, on or about January 27, 2017, Applicant's New Counsel forwarded to Opposer's counsel a revised proposed draft agreement, in redline form from the prior exchanged draft.

As of March 16, 2017, counsel for Opposer has stated that she will be in a position to engage in detailed and substantive discussions as to the language in the current draft within next week, i.e. on or before March 25, 2016.

The additional time is requested for Opposer's outside counsel to consider Applicant's comments and proposed language changes, and to and for the parties to continue to work towards what is hoped by both sides will be an amicable resolution of this matter.

The parties note that they are jointly committed to reaching an amicable resolution, and are working to timely resolve any remaining issues. If accepted by all parties, a settlement agreement would resolve this matter without the need to proceed with the consolidated opposition proceeding.

Additionally, the parties request that the Initial Disclosure deadline be reset, and that six (6) months of discovery be allowed so that the parties will have the full period of discovery in the event that the matter is not able to be resolved. The trial periods and other periods should be

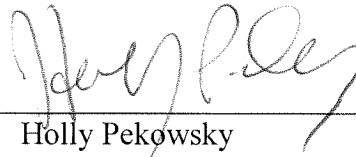
reset accordingly. The parties also request that proceedings be suspended pending disposition of this motion.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicant
90 Park Avenue
New York, New York 10016
(212) 336-8000

Dated: New York, New York
March 22, 2016

By: _____

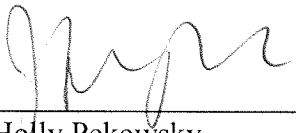


Holly Pekowsky

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 22, 2016, I caused a true and correct copy of the foregoing *Motion on Consent to Continue Suspension of Proceedings* to be sent via First Class Mail, postage prepaid, to Opposer's Attorney as follows:

Cathy J. Futrowsky, Esq.
EVANS & DIXON L.L.C.
211 N Broadway, Metropolitan Square
Suite 2500
St. Louis, MO 63102

By: 
_____ Holly Pekowsky

Dated: March 22, 2016
New York, New York