

ESTTA Tracking number: **ESTTA951371**

Filing date: **01/31/2019**

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

Proceeding	91218264
Party	Defendant MUSIC Tribe Global Brands
Correspondence Address	E RUSSELL TARLETON SEED IP LAW GROUP PLLC 701 5TH AVENUE SUITE 5400 SEATTLE, WA 98104-7064 UNITED STATES RussT@SeedIP.com, TomShewmake@SeedIP.com, litcal@SeedIP.com 206-622-4900
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	E. Russell Tarleton
Filer's email	RussT@SeedIP.com, TomShewmake@SeedIP.com, litcal@SeedIP.com
Signature	/E. Russell Tarleton/
Date	01/31/2019
Attachments	Supplemental Sixth Joint Status Report and Request for Suspension.pdf(100843 bytes)

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

Fishman Transducers, Inc.,)	
)	
Opposer,)	Opposition No. 91218264
)	
v.)	Serial No. 85/647325
)	
MUSIC Tribe Global Brands Ltd.,)	
)	
Applicant.)	
_____)	

**SUPPLEMENTAL SIXTH JOINT REPORT REGARDING STATUS OF
SETTLEMENT AND MOTION TO SUSPEND FOR 180 DAYS**

Pursuant to T.B.M.P. § 403.01 and 37 CFR § 2.120(a), the parties, Fishman Transducers, Inc. (“Fishman”) and MUSIC Tribe Global Brands Ltd. (“MUSIC Tribe”), by and through counsel, hereby respectfully request that all subsequent deadlines in the above proceeding be suspended for an additional 180 days. The parties request this extension of deadlines set forth below due to the parties’ ongoing settlement negotiations and the outcome of a parallel proceeding involving Applicant.

This Motion is submitted with the consent of Opposer obtained via email from Opposer’s counsel on December 13, 2018, and reconfirmed via email from Opposer’s counsel on January 31, 2019.

Per its Order entered on September 28, 2016, the Board requested a report reciting what progress the parties have made toward resolving the matter including the following specific points. The parties submitted that report with a request for further suspension on December 31,

2018 (Doc. #34). In its subsequent order dated January 29, 2019 (Doc. # 35), the Board refused to suspend the case because it appeared the Motion submitted on December 13, 2018, was an ex parte motion. In a telephone call with the Interlocutory Attorney on January 31, 2019, the undersigned was advised to resubmit the motion with a clear statement that it was with the consent of Opposer.

1. Recitation of issues that have been resolved

Applicant is a party in Opposition No. 91216808 filed prior to this action. The mark in dispute herein is the same mark in dispute in that opposition. Opposition No. 91216808 is now suspended in view of U.S. District Court case no. 2:18-cv-01682-JCM-PAL in the District of Nevada. The District Court case includes claims recited in Opposition No. 91216808, including trademark infringement and a defense of abandonment by opposer's predecessors in interest. Should the District Court case find that the opposer in Opposition No. 91216808 had obtained prior rights in the Mark from its predecessors in interest, then the opposition that is the subject of this motion will be moot. Hence, the parties herein believe it is in best interests of both parties as well as in the interest of judicial economy that the current proceeding be suspended at least another 180 days.

2. Identification of the settlement activities which have occurred

The following is a recitation of recent settlement activities between the parties. The parties have continued to communicate and agree upon the need to request suspension of this matter in view of co-pending District Court case no. 2:18-cv-01682-JCM-PAL.

3. A list of issues that remain to be resolved.

The parties are waiting for resolution of District Court case no. 2:18-cv-01682-JCM-PAL, which they believe will allow them to be able to discuss potential resolution of this matter.

4. Timetable for resolution.

The parties will re-evaluate potential resolution of the present matter in light of the ongoing proceedings in co-pending Opposition 91216808 at the conclusion of the 180-day suspension requested herein.

Given the information set forth above and the fact that the parties are diligently working towards a mutually beneficial settlement, the parties request that the proceedings be extended and all subsequent deadlines be reset as follows:

Expert Disclosures Due:	06/27/2019
Discovery Period Closes:	07/27/2019
Plaintiff's Pretrial Disclosures:	09/10/2019
Plaintiff's 30-day Trial Period Ends:	10/25/2019
Defendant Pretrial Disclosures:	11/09/2019
Defendant 30-day Trial Period Ends:	12/24/2019
Plaintiff's Rebuttal Disclosures:	01/08/2020
Plaintiff's 15-day Rebuttal Period Ends:	02/07/2020
Plaintiff's Opening Brief Due:	04/07/2020
Defendant's Brief Due:	05/07/2020
Plaintiff's Reply Brief Due:	05/22/2020

The parties hereby request that the deadlines in the above proceeding be suspended as set forth above.

Date: January 31, 2019.

Respectfully submitted,

SEED IP LAW GROUP LLP

SCARINI & HOLLENBECK, LLC

By: /E. Russell Tarleton/

E. Russell Tarleton
701 Fifth Avenue, #5400
Seattle, WA 98104
Telephone: (206) 622-4900
E-mail: RussT@SeedIP.com

Attorneys for Applicant

By: /Brent M. Davis/

Brent M. Davis
1100 Valley Brook Avenue
Lyndhurst, NJ 07071
Telephone: (201) 896-4100
E-mail: bdavis@sh-law.com

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2019, the foregoing **Supplemental Sixth Joint Report Regarding Status of Settlement and Motion to Suspend Deadlines for 180 Days** was served upon Applicant's counsel via electronic mail:

Brent M. Davis
bdavis@sh-law.com

/Ashley Baxter/
Ashley Baxter