

ESTTA Tracking number: **ESTTA1020406**

Filing date: **12/05/2019**

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

Proceeding	91218264
Party	Defendant MUSIC Tribe Global Brands
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Submission	Motion to Suspend for Settlement Discussions
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Date	12/05/2019
Attachments	Request to Suspend 180.pdf(99688 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.)	
_____)	

**EIGHTH 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 5, 2019.

Per its Order entered on October 5, 2016, the Board requested a report reciting what progress the parties have made toward resolving the matter including the following specific points.

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-BNW 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. The District Court case is stayed pending the conclusion of arbitration. The Court granted the parties' Stipulation to Stay Case Pending Arbitration on November 20, 2019. Should the arbitrator 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 arbitration, based on District Court case no. 2:18-cv-01682-JCM-BNW.

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

The parties are waiting for resolution of arbitration, based on District Court case no. 2:18-cv-01682-JCM-BNW, 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 proceeding be extended and all subsequent deadlines be reset as follows:

Expert Disclosures Due:	06/23/2020
Discovery Period Closes:	07/23/2020
Plaintiff's Pretrial Disclosures:	09/06/2020
Plaintiff's 30-day Trial Period Ends:	10/21/2020
Defendant Pretrial Disclosures:	11/05/2020
Defendant 30-day Trial Period Ends:	12/20/2020
Plaintiff's Rebuttal Disclosures:	01/04/2021
Plaintiff's 15-day Rebuttal Period Ends:	02/03/2021
Plaintiff's Opening Brief Due:	04/04/2021
Defendant's Brief Due:	05/04/2021
Plaintiff's Reply Brief Due:	05/19/2021
Request for Oral Hearing Due:	05/29/2021

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

Date: December 5, 2019.

Respectfully submitted,

SEED IP LAW GROUP LLP

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Attorneys for Applicant

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December, 2019, the foregoing **Eighth Joint Report Regarding Status of Settlement and Motion to Suspend Deadlines for 180 Days** was served upon Applicant's counsel via electronic mail:

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