

ESTTA Tracking number: **ESTTA896844**

Filing date: **05/15/2018**

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

Proceeding	91232210
Party	Defendant Quirklogic, Inc.
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Submission	Motion to Suspend for Settlement Discussions
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Date	05/15/2018
Attachments	2018.05.15_ Consent Motion for Suspension.pdf(58890 bytes )

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

**QUARK SOFTWARE, INC.**  
Plaintiff,

v.

**QUIRKLOGIC, INC.**  
Defendant.

Opposition No. **91232210**

Opp. Filed: **January 11, 2017**

Mark: **QUIRKLOGIC and Design**

Application No. **87/009,695**

App. Filed: **April 21, 2016**

**MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT**

Quirklogic, Inc. files this Motion for Suspension with Consent. As requested by the Board in its order of April 4, 2018, Quirklogic provides the following Status Report related to the settlement of the Opposition No. 91232210 (hereafter, the “Opposition”):

Status Report

The parties to Opposition have entered into a Settlement Agreement. In the Settlement Agreement, the parties have resolved all issues related to the Opposition. As part of the terms of the Settlement Agreement, the parties agreed that Quark Software, Inc. would withdraw the Opposition when an amendment to the goods and services description was entered in the following trademark applications: 87/007,695 and 86/863,504. The Board has entered an amendment in the ‘695 application. With respect to the ‘504 application, Quirklogic, Inc. has filed the following: (i) a request to amend the description of goods and services (“Amendment”) (dated April 12, 2018), (ii) a request to divide for class 038 (dated April 12, 2018), and (iii) a Statement of Use for classes 009 and 042 (“SOU”) (which are now under Trademark Application Serial No. 86/983,837) (dated April 12, 2018). The Examiner is currently reviewing the filings made in the ‘504 application and the ‘837 application.

In view of the aforementioned Settlement Agreement, the parties respectfully assert that there is good cause to suspend the Opposition for 60 days in order to permit the Examiner to consider the Amendment and the SOU. Accordingly, Quirklogic, Inc. requests that this proceeding be suspended for 60 days to allow the parties to fulfill their obligations under the Settlement Agreement.


To that end, Quirklogic, Inc. proposes the following revised dates:

Time to Answer :	7/15/2018
Deadline for Discovery Conference :	8/14/2018
Discovery Opens :	8/14/2018
Initial Disclosures Due :	9/13/2018
Expert Disclosures Due :	1/11/2019
Discovery Period to Close :	2/10/2019
Plaintiff Pretrial Disclosures :	3/27/2019
Plaintiff's 30-day Trial Period Ends :	5/11/2019
Defendant/Counterclaim Plaintiff's Pretrial Disclosures :	5/26/2019
30-day Trial Period for Defendant and Plaintiff in the Counterclaim :	7/10/2019
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due :	7/25/2019
30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff Ends:	9/8/2019
Counterclaim Plaintiff's Rebuttal Disclosures Due:	9/23/2019
15-day Rebuttal Period for Counterclaim Plaintiff Ends :	10/23/2019
Plaintiff's Trial Brief Due :	12/22/2019
Defendant's Trial Brief and Plaintiff in the Counterclaim Due :	1/21/2020
Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due :	2/20/2020
Reply Brief, if any, for Plaintiff in the Counterclaim Due :	3/6/2020

Quirklogic, Inc. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein. Quirklogic, Inc. has provided an email address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board. For the aforementioned reasons, the Quirklogic, Inc. requests the Board grant this motion to suspend.

Dated: May 15, 2018

Respectfully submitted,


By  \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

It is hereby certified, that a true and complete copy of the foregoing, MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT, has been served upon, Marc C. Levy, Attorney for Plaintiff, by forwarding said copy on May 15, 2018, via email:

Marc C. Levy  
Seed IP Law Group LLP  
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MarcL@SeedIP.com

**Chamberlain, Hrdlicka, White, Williams, & Aughtry**

By  \_\_\_\_\_  
Aly Z. Dossa  
*Attorney for Defendant*

Date: May 15, 2018