

ESTTA Tracking number: **ESTTA1005472**

Filing date: **09/30/2019**

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

Proceeding	91241401
Party	Plaintiff Marine Acquisition Corp.
Correspondence Address	JOSEPH W BERENATO III BERENATO & WHITE LLC 6550 ROCK SPRING DRIVE, SUITE 240 BETHESDA, MD 20817 UNITED STATES uspto.filings@bw-iplaw.com 240-330-4520
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Joseph W. Berenato, III
Filer's email	uspto.filings@bw-iplaw.com
Signature	/jwb/
Date	09/30/2019
Attachments	91241401.pdf(90662 bytes)

In the matter of trademark application Serial No.: 79/209,653
For the mark SEALSTAR HMK
Published in the Official Gazette on January 23, 2018

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

MARINE ACQUISITION, INC. :
 :
 :
 Opposer, : Opposition No.: 91241401
 :
 :
 v. :
 :
 :
 HIRSCHMANN AUTOMOTIVE GMBH, :
 :
 :
 Applicant. :
 :
 :

September 30, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

MOTION FOR SUSPENSION FOR SETTLEMENT

Marine Acquisition Corp. (“Opposer”), by and through its counsel, hereby moves for suspension of this proceeding for an additional ninety (90) days, or other period of time that the Trademark Trial & Appeal Board (“the Board”) deems acceptable, for the purposes of continuing active, ongoing negotiations between the parties for the purpose of settlement of this matter.

Opposer asserts as follows:

1. Opposer and Applicant Hirschmann Automotive GMBH (“Opposer”) (collectively “the Parties”) filed a Consent Motion for Suspension for Settlement on July 1, 2019.
2. On July 2, 2019, the Board granted the Consent Motion, suspending this proceeding for a period of ninety (90) days, which period expires on October 3, 2019. In granting the motion,

the Board specified that any further extension would be considered only upon a showing of the following: (1) the dates on which the parties communicated and the method of each communication, (2) the general nature of the communications, (3) the issues that have been resolved, (4) the issues that remain to be resolved or for trial, and (5) a proposed timetable for resolution of the remaining issues.

3. The parties have been actively engaged in settlement discussions since the proceeding commenced and have exchanged settlement agreements intended to resolve this matter. Settlement has been complicated by the fact that while this matter concerns a US trademark application, the parties include a German company, and each party is dealing through their own respective counsel who are located outside the US. Opposer's undersigned counsel is receiving instructions from Opposer's principal counsel located in Canada. Applicant has not designated a US attorney to represent it in this matter. Its filing counsel, who is located in Switzerland, has been the principal point of contact. Applicant's and Opposer's counsel are considering Applicant's most recent edits to the proposed settlement agreement.

4. By email of September 13, 2019, Applicant's counsel advised as follows:

The current status of the agreement is that the draft version is agreed by both parties, with the exception of the clauses concerning the relevant jurisdiction and/or the use of an arbitration organization. We are currently expecting a signed agreement before November 1, 2019.

5. In providing that information, Applicant's counsel consented to the filing of this motion for extension of time.

6. The parties are in general agreement regarding settlement of this matter, and registration of their respective marks. The sole issues are:

(a) Selecting the country whose law will control the interpretation of the Agreement;
and

(b) Selecting an arbitration organization that will be utilized in the event the parties are unable to agree upon amicable resolution of any dispute arising between them with regard to the agreement.

7. As noted in the email quoted above, counsel for Applicant believes these matters will be resolved and an agreement executed by November 1, 2019. While Opposer's counsel cannot represent that agreement will be reached by November 1, 2019, it agrees that the parties are close to settlement and anticipates a settlement within a reasonable period, including possibly be November 1, 2019.

8. Accordingly, the parties request that this motion be granted and the dates reset as set forth in the below schedule.

	Current Date	90-Day Extended Date
Time to Answer	05/30/2018	CLOSED
Deadline for Discovery Conference	06/29/2018	CLOSED
Discovery Opens	06/29/2018	CLOSED
Initial Disclosures Due	07/29/2018	CLOSED
Expert Disclosures Due	11/23/2019	02/23/2020
Discovery Closes	12/24/2019	03/24/2020
Plaintiff's Pretrial Disclosures Due	02/06/2020	05/06/2020
Plaintiff's 30-day Trial Period Ends	03/22/2020	06/22/2020
Defendant's Pretrial Disclosures Due	04/06/2020	07/06/2020
Defendant's 30-day Trial Period Ends	05/21/2020	08/21/2020
Plaintiff's Rebuttal Disclosures Due	06/05/2020	09/05/2020
Plaintiff's 15-day Rebuttal Period Ends	07/05/2020	10/05/2020
Plaintiff's Opening Brief Due	09/03/2020	12/03/2020
Defendant's Brief Due	10/03/2020	01/03/2021
Plaintiff's Reply Brief Due	10/18/2020	01/18/2021
Request for Oral Hearings	10/28/2020	01/28/2021

Applicant respectfully requests granting of this Motion.

Respectfully submitted,

/Joseph W. Berenato, III/
Joseph W. Berenato, III
Attorney for Opposer
Email: jberenato@bw-iplaw.com
Email: uspto.filings@bw-iplaw.com
Email: dinman@bw-iplaw.com

Berenato & White, LLC
6550 Rock Spring Drive, Suite 240
Bethesda, Maryland 20817
Direct: (240) 330-4520
Telephone: (301) 896-0600
Facsimile: (301) 896-0607

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing MOTION FOR SUSPENSION FOR SETTLEMENT has been served on Daniel Maier and Kornelia Wayda by forwarding said copy on September 30, 2019 via email to:

Daniel Maier
euromaier llc
707 Skokie Blvd
North Brook, IL 60062
United States
Email: hirschmann@euromaier.net
Email: info@euromaier.com

By: /Joseph W. Berenato, III/
Joseph W. Berenato, III
Berenato & White, LLC
6550 Rock Spring Drive
Suite 240
Bethesda, Maryland 20817
Tel: (240) 330-4520
Fax: (301) 896-0607
jberenato@bw-iplaw.com
Attorney for Opposer