

ESTTA Tracking number: **ESTTA1124744**

Filing date: **04/05/2021**

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

Proceeding	91245759
Party	Plaintiff Schein OrthopÃ©die Service KG
Correspondence Address	STEWART J BELLUS COLLARD & ROE PC 1077 NORTHERN BLVD ROSLYN, NY 11576 UNITED STATES Primary Email: sbellus@collardroe.com Secondary Email(s): sdorchak@collardroe.com 516-365-9802
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Stewart J. Bellus
Filer's email	sbellus@collardroe.com
Signature	/SJB/
Date	04/05/2021
Attachments	Motion to Suspend 2021-04-05 4815-5867-5428 v.pdf(23407 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Schein Orthopädie Service KG,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91245759
)	Opposition No. 91245941
)	
Zoetop Business Co. Limited,)	
)	
Applicant)	
)	
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MOTION TO SUSPEND WITH CONSENT

Opposer, Schein Orthopädie Service KG, requests that these Oppositions be suspended for 60 days according to the schedule below, with proceedings to resume on June 5, 2021:

Expert Disclosures Due	09/11/2021
Discovery Closes	10/11/2021
Plaintiff's Pretrial Disclosures Due	11/25/2021
Plaintiff's 30-day Trial Period Ends	02/08/2022
Defendant's Pretrial Disclosures Due	02/23/2022
Defendant's 30-day Trial Period Ends	03/10/2022
Plaintiff's Rebuttal Disclosures Due	03/25/2022
Plaintiff's 15-day Rebuttal Period Ends	04/24/2022
Plaintiff's Opening Brief Due	06/23/2022
Defendant's Brief Due	07/23/2022
Plaintiff's Reply Brief Due	08/07/2022
Request for Oral Hearing (optional) Due	08/17/2022

In response to this Board's Order requiring a "progress report," the parties advise as follows:

1. The parties have conducted the discovery conference and exchanged Initial Disclosures.
2. The parties are attempting to finalize remaining settlement points and expect to do so within 60 days.
3. Settlement in the United States is part of a larger, proposed, worldwide settlement agreement, which makes discussions more complicated than in a typical negotiation

only involving the United States, yet the parties still are progressing towards a final agreement.

4. All communications take longer than in a typical proceeding because a) Opposer is located in Germany, b) Opposer's primary counsel is located in Germany, and c) Opposer's US counsel is located in New York. In addition, a) Applicant is located in Hong Kong, b) Applicant also works through a Germany attorney because some negotiations take place in that country, and c) Applicant's US counsel is located in Los Angeles.
5. To date, no discovery has been served in this opposition because the parties have been discussing settlement from the beginning and believed that the case could be resolved without undue burdens and expenses, though as mentioned, the Discovery Conference has been conducted and Initial Disclosures have been exchanged.
6. Counsel for Applicant has consented to the granting of this Motion.

Wherefore, Opposer respectfully requests that proceedings be suspended 60 days as set forth above.

Schein Orthopädie Service KG

/SJB/

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Attorneys for Opposer
Schein Orthopädie Service KG

Dated: April 5, 2021

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the forgoing Motion to Suspend with Consent has this 5th day of April, 2021 been sent by e-mail to:

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/SJB/

Stewart J. Bellus