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

Proceeding	91245759
Party	Defendant Zoetop Business Co., Limited
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Submission	Motion to Suspend for Settlement Discussions
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Date	07/09/2021
Attachments	58657569_v 1_Stipulated Motion to Suspend Proceedings 30 Days - SHEIN Opposition No. 91245759.pdf(194555 bytes)

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

SCHEIN ORTHOPÄDIE SERVICE KG,)	
Opposer,)	
v.)	Opposition No. 91-245,759 (parent)
ZOETOP BUSINESS CO., LIMITED,)	
Applicant.)	Opposition No. 91-245,941 (child)
)	
)	
)	

**STIPULATED MOTION TO SUSPEND OPPOSITION PROCEEDING
PENDING SETTLEMENT NEGOTIATIONS**

Applicant ZOETOP Business Co., Limited, together with Schein Orthopadie Service KG, moves to suspend this proceeding for thirty (30) days pending settlement negotiations. Pursuant to the Board’s Order on January 25, 2021, Applicant and Opposer submit the below detailed report to establish good faith for supporting this motion.

Status Report for Discovery and Settlement Negotiations

Applicant and Opposer set forth below the specific efforts the parties have taken towards settlement since the parties’ last motion, filed on April 5, 2021:

- *Discovery taken to date* – Applicant served its First Set of Requests for Admissions, First set of Interrogatories, and First Set of Requests for Production of Documents on June 22, 2021. Opposer has not yet served any discovery.

- *Dates on which the parties communicated* – On June 28, 2021, Applicant, Applicant’s U.S. counsel, and Applicant’s German counsel spoke on a video conference call with Opposer’s German counsel to discuss and finalize the remaining issues in the worldwide settlement agreement. Prior to June 28th, the parties’ German counsels had been discussing and narrowing the remaining issues

left to discuss in the global settlement agreement as the parties wish to resolve their dispute in Europe along with the U.S.

- *The general nature of each communication* – Each communication has focused on reaching a worldwide settlement agreement agreeable to both parties. The parties have an agreement in principal and an active draft settlement agreement that is nearly complete.

- *The issues that have been resolved* – The parties have resolved that they may each use and register their respective marks on their respective goods, subject to certain stylization requirements for footwear only for the SHEIN mark.

- *The issues that remain to be resolved or that remain for trial* – The parties are attempting to finalize a few remaining terms, namely, the scope and limitations of the SCHEIN mark, the requirements for limiting trademark registration and application IDs globally, and the manner in which the SHEIN mark can be used and displayed on footwear only.

- *A proposed timetable for resolution of the remaining issues* – The parties have agreed regarding the nature of the proposed settlement agreement, however, they now need to finalize the terms detailed above. The parties request additional time to finalize the terms of the settlement agreement and request a suspension of thirty (30) days in order to do so.

Conclusion

Applicant and Opposer respectfully submit that they have established the requisite good faith to support this motion and request that the Board grant the parties’ motion to suspend the proceedings for thirty (30) days in order to finalize settlement.

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Dated: July 9, 2021

Respectfully submitted,

By: ____/sjb/_____
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CERTIFICATE OF ELECTRONIC TRANSMISSION AND SERVICE

The undersigned hereby certifies that a true and correct copy of the forgoing Stipulated Motion to Suspend Opposition Proceedings Pending Settlement Negotiations is being transmitted electronically to the Trademark Trial and Appeal Board of the United States Patent and Trademark Office on the date indicated below, through the ESTTA electronic filing system at the website <http://estta.uspto.gov/> and being served, via electronic mail, upon the following on the date indicated below:

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Date: July 9, 2021


