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

Proceeding	91246608
Party	Defendant Oaklandish LLC
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Submission	Motion to Suspend for Settlement Discussions
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Date	05/29/2020
Attachments	20200529-Consented Motion to Suspend - Opp. No. 91246608 .pdf(115345 bytes)

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

Athletics Investment Group LLC d/b/a
The Oakland Athletics Baseball
Company

Opposer,

v.

Oaklandish, LLC

Applicant.

Opposition No. 91246608

Mark: OAKLANDISH
(Application Serial No.
87863914; Application Serial No.
87910572)

CONSENT MOTION FOR SUSPENSION FOR SETTLEMENT

The parties are actively engaged in negotiations for settlement for this matter. Pursuant to 37 CFR § 2.117, counsel for Oaklandish, LLC (“Applicant”) and Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company (collectively “Opposer”) respectfully requests the above-referenced proceedings be suspended for 90 days to allow the parties to continue settlement discussions.

Good cause exists as the parties continue to be actively engaged in negotiations for settlement of this matter and require additional time to pursue settlement.

James Weinberger, counsel for Opposer, consented to this motion to extend these time periods by 90 days via e-mail on May 26, 2020.

The Board, in its Suspension Order of March 11, 2020, has requested that the parties provide a status report setting forth the specific efforts the parties have made towards settlement during the previous period of suspension. The parties respond as follows:

A. A Statement of issues that have been resolved and issues that remain to be resolved

The scope of the proposed settlement discussion has expanded beyond the issues involving the Board proceeding; specifically issues concerning use and additional matters concerning the parties. As such the proposed settlement is complex and requires negotiation and balancing the parties' rights and future use. The parties continue to correspond regarding the settlement of this proceeding and are close to finalizing a settlement agreement. Because the parties are negotiating settlement that will resolve several pending proceedings, counsel are working on all of the issues to resolve the various claims.

Counsel for the parties corresponded as recently as May 29, 2020 working diligently toward finalizing a settlement agreement between the parties. Prior to that, counsel for the parties exchanged drafts of a pending settlement agreement with comments on April 1, 2020. The parties have continued negotiations concerning the draft agreement, requiring further input from both Applicant and Opposer. In sum, counsel have been working diligently on arriving at a resolution but the issues are complicated and negotiations continue.

The issues that remain to be resolved for settlement include the scope of any territorial restriction in use (if any); limitations/restrictions on each parties' use of their respective marks; and the scope of the applications/registrations at issue in the proceeding limitations not at issued in the proceeding, and any limitations thereof. Many of these

issues are beyond the scope of the proceeding and involve future rights and are not easily negotiated or conceded.

B. A proposed time table for resolution of the remaining issues

The parties believe that progress is being made towards resolving issues regarding settlement, and both parties expect resolution to be forthcoming and are reasonably hopeful that the issues will be resolved within the requested extension period.

Since this request is made for good cause and not made simply for purposes of delay, it is respectfully requested that trial dates be reset as indicated below.

Proposed Trial Schedule

Parties request a 90-day suspension. No motion is currently pending before the Board and no other motion is being filed concurrently with this consent motion.

The proposed trial schedule is set forth below.

Time to Answer	9/2/2020
Deadline for Discovery Conference	10/2/2020
Discovery Opens	10/2/2020
Initial Disclosures Due	11/1/2020
Expert Disclosures Due	3/1/2021
Discovery Closes	3/31/2021
Plaintiff's Pretrial Disclosures Due	5/15/2021
Plaintiff's 30-day Trial Period Ends	6/29/2021
Defendant's Pretrial Disclosures Due	7/14/2021
Defendant's 30-day Trial Period Ends	8/28/2021
Plaintiff's Rebuttal Disclosures Due	9/12/2021
Plaintiff's 15-day Trial Period Ends	10/12/2021
Plaintiff's Opening Brief Due	12/11/2021

Defendant's Brief Due	1/10/2022
Plaintiff's Reply Brief Due	1/25/2022
Request for Oral Hearing (optional) Due	2/4/2022

Dated: May 29, 2020

Respectfully Submitted,

BRAND & BRANCH LLP

By: /Shabnam Malek/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29th day of May 2020 a true and correct copy of the foregoing **CONSENT MOTION FOR SUSPENSION FOR SETTLEMENT** was served upon Opposer by electronic mail, addressed as follows:

James D. Weinberger
Fross Zelnick Lehrman & Zissu PC

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Signed: /Shabnam Malek/
Shabnam Malek