

ESTTA Tracking number: **ESTTA1150498**

Filing date: **08/02/2021**

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

Proceeding	91249384
Party	Defendant Next Step Group, Inc.
Correspondence Address	MARTIN W. SCHIFFMILLER KIRSCHSTEIN ISRAEL SCHIFFMILLER & PIERON 425 FIFTH AVENUE 5TH FLOOR, SUITE 501 NEW YORK, NY 10016-2223 UNITED STATES Primary Email: mws@kirschsteinlaw.com 212-697-3750
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Martin W. Schiffmiller
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Signature	/Martin W. Schiffmiller/
Date	08/02/2021
Attachments	Opposition - Joint Motion for Suspension.pdf(213453 bytes)

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

In the Matter of Application Serial No. 88-158,015
For the Mark: COVER GIRL
Published in the Official Gazette on March 12, 2019

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Noxell Corporation, : :
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Opposer, : :
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: :
v. : :
: :
Opposition No. 91249384
: :
Next Step Group, Inc., : :
: :
: :
Applicant. : :
: :
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JOINT MOTION FOR FURTHER 180-DAY SUSPENSION OF PROCEEDINGS

This opposition proceeding was suspended by the Board on June 30, 2020 in view of the pending Civil Action No. 1:19-cv-11460 (the “Civil Action”) pending between the parties in the United States District Court for the Southern District of New York relating to applicant’s trademark COVER GIRL, which is also the subject of this opposition.

On July 28, 2021 the Board issued an order requiring that the parties inform the Board within 30 days as to the status of the civil action which occasioned the suspension of this proceeding. Pursuant to that order, the parties now inform the Board that the Civil Action was dismissed without prejudice on June 23, 2021. A copy of the dismissal order is attached hereto as Exhibit A.

The parties are, however, engaged in continued settlement discussions with respect to the subject matter of the Civil Action and of this opposition. Therefore, the parties hereby jointly move for a further 180-day suspension of proceedings in this case to enable them to continue their efforts at a settlement of their disputes.

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP
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By /Laura Miller/
Laura Miller

Dated: August 2, 2021

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By /Martin W. Schiffmiller/
Martin W. Schiffmiller

Dated: August 2, 2021

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion for Further 180-day Suspension of Proceedings was served on Opposer's counsel by email, addressed to:

Laura Miller, Esq.
Kilpatrick Townsend & Stockton LLP

Email address: Lamiller@ktslaw.com

this 2nd day of August, 2021.

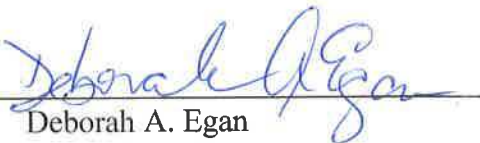

Deborah A. Egan

Exhibit A

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/23/2021

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NOXELL CORPORATION,

Plaintiff,

v.

NEXT STEP GROUP INC., GMA ACCESSORIES,
INC. d/b/a CAPELLI NEW YORK, SARMAX
APPAREL GROUP, INC., HARMON GROUP, LLC, X
VISION INC., ALLWINTEX GARMENT
MANUFACTURING CORP. LTD. and EARTHBOUND
LLC,

Defendants.


Civil Action No. 19-CV-11460
(GHW)

**STIPULATION OF DISMISSAL
WITHOUT PREJUDICE**

IT IS HEREBY AGREED, by and between the parties that have appeared in this Action, through their respective attorneys, that this action, including all claims and counterclaims, are hereby dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), with each party bearing its own attorney fees, costs, and expenses.

Dated: June 22, 2021

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Attorneys for Defendants Next Step Group Inc., GMA
Accessories Inc. d/b/a Capelli New York, Saramax
Apparel Group, Inc., Harmon Group, LLC, X Vision
Inc., and Earthbound LLC.

IT IS HEREBY AGREED, by and between the parties that have appeared in this Action, through their respective attorneys, that this action, including all claims and counterclaims, are hereby dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), with each party bearing its own attorney fees, costs, and expenses.

Dated: June 22, 2021

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Attorneys for Defendants Next Step Group Inc., GMA
Accessories Inc. d/b/a Capelli New York, Saramax
Apparel Group, Inc., Harmon Group, LLC, X Vision
Inc., and Earthbound LLC.

The parties have stipulated to the dismissal of this action under F.R.C.P. 41(a)(1)(A)(ii). The Clerk of Court is directed to terminate all pending motions, adjourn all deadlines, and close this case.

Dated: June 23, 2021


GREGORY H. WOODS
United States District Judge