

ESTTA Tracking number: **ESTTA1100298**

Filing date: **12/08/2020**

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

Proceeding	91251770
Party	Plaintiff NVIDIA Corporation
Correspondence Address	MARK A. JANSEN FENWICK & WEST LLP 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041 UNITED STATES Primary Email: trademarks@fenwick.com 650-988-8500
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Anne Marie Longobucco, Esq.
Filer's email	trademarks@fenwick.com
Signature	/alongobucco/
Date	12/08/2020
Attachments	GTX MEDICAL Stipulated Motion to Suspend 60 days.pdf(101771 bytes)

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

In the matter of
Trademark App. No. 87659747 for GTX MEDICAL in Class 10, 42, 44

NVIDIA Corporation,)	
Opposer,)	
)	Opposition No. 91251770
vs.)	
)	
GTX MEDICAL B.V. aka GTX Medical,)	
Applicant.)	
)	

**STIPULATED MOTION FOR SUSPENSION OF OPPOSITION WITH DETAILED
STATEMENT OF PROGRESS**

Opposer NVIDIA Corporation, by and through its attorneys, hereby moves for the suspension of this proceeding for 60 days. Counsel for the Applicant consented to this request via email with the undersigned counsel on November 19 and December 7, 2020.

In its orders dated November 2 and December 2, 2020, the Board directed that any future motion to extend, suspend or reopen be accompanied by a detailed progress report regarding the status of ongoing settlement negotiations. Per the Board's orders, the parties offer the following progress update: The parties have entered into an agreement that provides for a Letter of Consent by Applicant to registration of Opposer's Application Serial No. 88063197 for GTX. The Letter of Consent was submitted to the USPTO on November 9, 2020, and the parties are waiting for it to be approved.

The parties respectfully request the Board to take these circumstances into consideration and grant this Motion to suspend these proceedings, subject to the right of either party to request resumption at any time.

Pursuant to the Board's order dated November 2, 2020, the Applicant's Answer was due by November 29, 2020. The parties request that such date be extended for 60 days and that all subsequent dates be reset accordingly. The reset trial dates would be as follows:

- Time to Answer January 29, 2021
- Deadline for Discovery Conference February 28, 2021
- Discovery Opens February 28, 2021
- Initial Disclosures Due March 30, 2021
- Expert Disclosures Due July 28, 2021
- Discovery Closes August 27, 2021
- Plaintiff's Pretrial Disclosures Due October 11, 2021
- Plaintiff's 30-day Trial Period Ends November 25, 2021
- Defendant's Pretrial Disclosures Due December 10, 2021
- Defendant's 30-day Trial Period Ends January 24, 2022
- Plaintiff's Rebuttal Disclosures Due February 8, 2022
- Plaintiff's 15-day Rebuttal Period Ends March 10, 2022
- Plaintiff's Opening Brief Due May 9, 2022
- Defendant's Brief Due June 8, 2022
- Plaintiff's Reply Brief Due June 23, 2022
- Request for Oral Hearing (optional) Due July 3, 2022

Based on the above, it is submitted that this request for suspension constitutes good

///

///

cause, and an order granting this motion is respectfully requested.

A Proof of Service by Email accompanies this Motion.

Dated: December 8, 2020

Respectfully submitted,

/alongobucco/

Sally M. Abel, Esq.

Mark A. Jansen, Esq.

Anne Marie Longobucco, Esq.

FENWICK & WEST LLP

801 California Street

Mountain View, CA 94041

Tel: (650) 988-8500

Attorneys for Opposer
NVIDIA Corporation

PROOF OF SERVICE

The undersigned declares that:

I, Kristin Falco, am employed in the County of Santa Clara, State of California. I am over the age of 18 and not a party to this action. My business address is: Fenwick & West LLP, Silicon Valley Center, 801 California Street, Mountain View, CA 94041.

On December 8, 2020, I caused to be served the attached:

STIPULATED MOTION FOR SUSPENSION OF OPPOSITION WITH DETAILED STATEMENT OF PROGRESS

on the parties in the subject action by placing a true copy thereof as indicated below, address:

B. ANNA McCOY, Esq.
McCOY RUSSELL LLP
806 SW BROADWAY, SUITE 600
PORTLAND, OR 97205
TMmail@Mccrus.com; anna@mccrus.com;
harnett@mccrus.com; mccoy@mccrus.com;
hall@mccrus.com

- BY EMAIL:** by mutual agreement between the parties, causing to be transmitted via email the document(s) listed above to the addressee(s) at the email address(es) listed above.
- BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand on the office(s) of the addressee(s).
- BY FEDERAL EXPRESS:** I caused such envelope(s) to be delivered to Federal Express for overnight courier service to the office(s) of the addressee(s).
- BY FACSIMILE:** I caused a copy of such document(s) to be sent via facsimile transmission to the office(s) of the party(s) stated above and was transmitted without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 8, 2020

/kfalco/

Kristin Falco
kfalco@fenwick.com