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Filing date: **12/15/2021**

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

Proceeding	91252910
Party	Defendant Avalanche IP LLC
Correspondence Address	LAURA B. SIEGAL 39 CHESTNUT ROAD MANHASSET, NY 11030 UNITED STATES Primary Email: legalsiegal@aol.com 516-869-6422
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Laura B. Siegal
Filer's email	legalsiegal@aol.com
Signature	/Laura B. Siegal/
Date	12/15/2021
Attachments	Avalanche - Susp. Req. (12.15.21 - 91252910).pdf(31868 bytes )

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

In the Matter of Trademark Application Serial No. 88/336232  
Published in the Official Gazette on June 18, 2019

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COLORADO AVALANCHE, LLC,	:	
	:	
Opposer,	:	Opposition No. 91252910
	:	
v.	:	
	:	
AVALANCHE IP LLC,	:	
	:	
Applicant.	:	

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**MOTION ON CONSENT TO SUSPEND PROCEEDINGS**

Applicant, by and through its attorneys, and with Opposer's consent, hereby moves for an order suspending the proceedings in this matter for a period of sixty (60) days to allow the parties to continue their pending settlement negotiations. Under the requested schedule, Applicant's Answer in this matter currently is due by December 16, 2021.

The parties have been negotiating a comprehensive settlement agreement that would resolve this opposition, together with related proceedings between the parties involving additional trademark applications filed by Applicant in the United States and other international jurisdictions. Good cause exists to grant this consented motion, and any delay was not because of neglect, but rather resulted because the parties have undergone changes in personnel, representation and/or corporate ownership during the proceedings (including, most recently, the departure and replacement of Opposer's General Counsel). Furthermore, both parties' regular

business operations were suddenly disrupted by the COVID-19 pandemic, including office closures and Opposer's recent move to new office space.

Despite these challenges, active settlement negotiations are still underway and moving forward. Since the last update, counsel for the parties have exchanged several rounds of emails regarding status and settlement, i.e., on October 11, October 12, October 18, November 3, November 4, November 15, November 22, November 24, November 28, December 3, December 6, December 8 and December 12. The parties and their respective counsel have been actively reviewing and exchanging comments on a draft settlement agreement that would resolve this and other related trademark oppositions between the parties. Most recently, on November 28, 2021, Opposer's counsel sent Applicant's counsel an updated version of the draft settlement agreement which incorporates language that addresses the few remaining key issues, e.g., proposed amendments to Applicant's pending trademark applications and proposed formats of future trademark applications. Applicant and its counsel are in the process of reviewing the agreement. At this point, the parties are hopeful that they are in the final stages of reaching an agreement. Thus, the requested suspension will allow the parties to finalize a comprehensive worldwide settlement agreement that would fully and amicably resolve this matter.

In view of the foregoing, Applicant, with Opposer's consent, respectfully requests that the Board grant the requested suspension and reset the deadlines in this proceeding as set forth below:

	<b>Current Schedule</b>	<b>Proposed Schedule</b>
Time to Answer	12/16/21	2/14/22
Deadline for Discovery Conference	1/15/22	3/16/22

Discovery Opens	1/15/22	3/16/22
Initial Disclosures Due	2/14/22	4/15/22
Expert Disclosures Due	6/14/22	8/13/22
Discovery Closes	7/14/22	9/12/22
Plaintiff's Pretrial Disclosures Due	8/28/22	10/28/22
Plaintiff's 30-day Trial Period Ends	10/12/22	12/11/22
Defendant's Pretrial Disclosures Due	10/27/22	12/27/22
Defendant's 30-day Trial Period Ends	12/11/22	2/9/23
Plaintiff's Rebuttal Disclosures Due	12/26/22	2/24/23
Plaintiff's 15-day Rebuttal Period Ends	1/25/23	3/26/23
Plaintiff's Opening Brief Due	3/26/23	5/25/23
Defendant's Brief Due	4/25/23	6/24/23
Plaintiff's Reply Brief Due	5/10/23	7/9/23

Dated: December 15, 2021

Respectfully submitted,

By: Laura B. Siegal

Laura B. Siegal  
Attorney for Applicant  
39 Chestnut Road  
Manhasset, New York 11030  
T: 516-869-6422  
F: 516-869-0991  
E: legalsiegal@aol.com

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion on Consent to Suspend Proceedings has been served upon Opposer on December 15, 2021 by email to:

Jia Wang, Esq.  
NHL Enterprises, L.P.  
1185 Avenue of the Americas  
New York, New York 10036  
E: jwang@nhl.com

*Laura B. Siegal*

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Laura B. Siegal