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ESTTA Tracking number: **ESTTA1165620**

Filing date: **10/13/2021**

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

| | |
|---|---|
| Proceeding | 91254418 |
| Party | Plaintiff<br>NetScout Systems, Inc. |
| Correspondence Address | AMANDA K. GREENSPON<br>MUNCK WILSON MANDALA LLP<br>P.O. DRAWER 800889 DOCKET CLERK<br>DALLAS, TX 75380<br>UNITED STATES<br>Primary Email: ttab@munckwilson.com<br>Secondary Email(s): bsprang@munckwilson.com, srose@munckwilson.com<br>972-628-3600 |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Amanda K. Greenspon |
| Filer's email | ttab@munckwilson.com, srose@munckwilson.com |
| Signature | /AKG/ |
| Date | 10/13/2021 |
| Attachments | NTCT05-00250 - Motion to Suspend Opp. No. 91254418 (30 Days) October 2021.pdf(135582 bytes ) |

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

| | | |
|---|---|---|
| **NetScout Systems, Inc.,** | : | |
| | : | |
| **Opposer,** | : | **Opposition No. 91254418** |
| | : | |
| **v.** | : | |
| | : | |
| **Skout Secure Intelligence LLC,** | : | |
| | : | |
| **Applicant.** | : | |

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**MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT**

NetScout Systems, Inc. ("Opposer") hereby requests, with consent, that this opposition proceeding be suspended for 30 days to allow the parties to continue their settlement efforts, and that all discovery and trial periods be reset accordingly, as follows:

| | Current Schedule | Proposed Schedule |
|---|---|---|
| Time to Answer | 10/13/2021 | 11/12/2021 |
| Deadline for Discovery Conference | 11/12/2021 | 12/12/2021 |
| Discovery Opens | 11/12/2021 | 12/12/2021 |
| Initial Disclosures Due | 12/12/2021 | 01/11/2022 |
| Expert Disclosures Due | 04/11/2022 | 05/11/2022 |
| Discovery Closes | 05/11/2022 | 06/10/2022 |
| Plaintiff's Pretrial Disclosures Due | 06/25/2022 | 07/25/2022 |
| Plaintiff's 30-day Trial Period Ends | 08/09/2022 | 09/08/2022 |
| Defendant's Pretrial Disclosures Due | 08/24/2022 | 09/23/2022 |
| Defendant's 30-day Trial Period Ends | 10/08/2022 | 11/07/2022 |
| Plaintiff's Rebuttal Disclosures Due | 10/23/2022 | 11/22/2022 |
| Plaintiff's 15-day Rebuttal Period Ends | 11/22/2022 | 12/22/2022 |
| Plaintiff's Opening Brief Due | 01/21/2023 | 02/20/2023 |
| Defendant's Brief Due | 02/20/2023 | 03/22/2023 |
| Plaintiff's Reply Brief Due | 03/07/2023 | 04/06/2023 |
| Request for Oral Hearing (optional) Due | 03/17/2023 | 04/16/2023 |

As good cause supporting this Motion, the parties state that they are actively engaged in settlement discussions. Since the last motion filed on August 16, 2021, counsel for the parties have communicated via email regarding settlement negotiations on the following dates: September 13, 2021; September 20, 2021; September 29, 2021, September 30, 2021, October 1, 2021, October 4, 2021 and October 5, 2021, with regard to this opposition and Opposition Nos. 91254416 and 91246497. In addition, on October 1, 2021 counsel for the parties communicated via telephone regarding settlement negotiations and recent acquisition of Applicant, Skout Secure Intelligence. The parties have resolved issues regarding the use and registration of their respective marks in multiple jurisdictions and continue to negotiate issues relating to the withdrawal or amendment of pending applications in multiple jurisdictions and resolution of the corresponding oppositions. The parties expect to negotiate appropriate filings in the trademark offices of the relevant jurisdictions in the coming weeks to resolve these issues. The parties propose the revised timetable shown above.

This motion is therefore filed in good faith and not for purposes of delay. Accordingly, NetScout submits that good cause has been shown to grant the requested suspension. NetScout has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

WHEREFORE, NetScout respectfully requests that the Board grant this Motion, suspend the proceeding, and reset the discovery and trial periods as set forth herein to allow the parties to continue their settlement efforts.

Dated: October 13, 2021

Respectfully submitted,

*/Amanda K. Greenspon/*

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**Attorneys for NetScout Systems, Inc.**

## CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Motion for Suspension for Settlement with Consent was served on the Attorney of record for Applicant, via email to the addresses below, on October 13, 2021:

Ben Natter
Haug Partners, LLP
745 Fifth Ave
New York, NY 10151
United States
Email: bnatter@haugpartners.com, docket@haugpartners.com, kkoemm@haugpartners.com

*/Amanda K. Greenspon/*
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