

ESTTA Tracking number: **ESTTA1156829**

Filing date: **09/01/2021**

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

Proceeding	91255505
Party	Plaintiff Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company
Correspondence Address	REEMA PANGARKAR COWAN LIEBOWITZ & LATMAN PC 114 W 47TH STREET NEW YORK, NY 10036 UNITED STATES Primary Email: mlk@cll.com Secondary Email(s): trademark@cll.com, rxp@cll.com, lrm@cll.com 212-790-9200
Submission	Motion to Suspend for Settlement Discussions
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Date	09/01/2021
Attachments	Motion to Suspend 60 Days.pdf(150755 bytes )

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

In re Application Serial No. 88/498648; 88/498656; 88/498660; 88/498672; and 88/508015  
Filed: July 2, 2019 and July 10, 2019  
For Mark: MONSTA ATHLETICS  
Published in the Official Gazette: Oct. 29, 2019

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ATHLETICS INVESTMENT GROUP LLC :  
D/B/A THE OAKLAND ATHLETICS : Opposition No. 91255505  
BASEBALL COMPANY, :  
Opposer, :  
v. :  
MONSTA ATHLETICS LLC, :  
Applicant. :  
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**MOTION ON CONSENT TO SUSPEND PROCEEDING**

Pursuant to Federal Rule of Civil Procedure 26(a)(1) and 37 C.F.R. § 2.120, Opposer, Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company (“Opposer”), by and through counsel, and with the consent of Applicant Monsta Athletics LLC (“Applicant”), hereby moves for an order suspending the proceedings in this matter for continued settlement discussions for a period of sixty (60) days, until **November 01, 2021**, and resetting all subsequent deadlines in this matter as follows:

<b>Time to Answer</b>	11/06/2021
<b>Deadline for Discovery Conference</b>	12/06/2021
<b>Discovery Opens</b>	12/06/2021
<b>Initial Disclosures Due</b>	1/05/2022
<b>Expert Disclosures Due</b>	5/05/2022
<b>Discovery Period to Close</b>	6/04/2022
<b>Plaintiff Pretrial Disclosures</b>	7/19/2022
<b>Plaintiff’s 30-day Trial Period Ends</b>	9/02/2022
<b>Defendant’s Pretrial Disclosures</b>	9/17/2022
<b>Defendant’s 30-day Trial Period Ends</b>	11/01/2022

<b>Plaintiff's Rebuttal Disclosures</b>	11/16/2022
<b>Plaintiff's 15-day Rebuttal Period Ends</b>	12/16/2022
<b>Plaintiff's Opening Brief Due</b>	2/14/2023
<b>Defendant's Brief Due</b>	3/16/2023
<b>Plaintiff's Reply Brief Due</b>	3/31/2023
<b>Request for Oral Hearing (optional) Due</b>	4/10/2023

Significant progress has been made towards settlement of this matter. The parties have been negotiating the terms of settlement involving the manner of use and registration of Applicant's mark. Based on feedback received from Applicant, the parties have discussed different proposals and exchanged draft agreements.

Most recently, after Opposer sent a revised draft agreement on August 20<sup>th</sup>, Applicant's counsel has requested a settlement call to discuss one final issue that remains to be resolved. Additional time is requested to give Applicant and Opposer time to resolve this final issue in the draft agreement. Once again, we believe both parties have agreed on most issues and hope to be able to finalize the agreement.

Since the last suspension, Opposer's outside counsel has had email communications with Applicant's counsel on July 16, 2021; August 13, 2021; August 20, 2021; and August 31, 2021. In addition, Opposer's outside counsel has had email communications with Opposer's in-house counsel on August 2, 2021 and August 13, 2021. Additional time is requested to allow the parties to continue to finalize the language in the draft agreement.

The parties note that they are committed to trying to amicably resolve this matter in a timely manner. Any agreement reached between the parties would resolve this matter without the need to proceed with the opposition proceeding.

The parties further request that the proceeding be suspended pending disposition of this motion.

Dated: New York, New York  
September 1, 2021

COWAN, LIEBOWITZ & LATMAN, P.C.  
*Attorneys for Opposer*

By: /Reema Pangarkar/  
Mary L. Kevlin  
Richard S. Mandel  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on September 1, 2021, I caused a true and correct copy of the foregoing *Motion on Consent to Suspend Proceeding* to be served on Applicant via an email to Applicant's Attorney and Correspondent of Record, Sevag Demirjian, at sevag@foundationlaw.com.

/Reema Pangarkar/  
Reema Pangarkar