

ESTTA Tracking number: **ESTTA1278043**

Filing date: **04/12/2023**

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

Proceeding no.	91273470
Party	Plaintiff Wattbike IP Limited
Correspondence address	RICHARD LEHV FROSS ZELNICK LEHRMAN & ZISSU, P.C. 151 WEST 42ND STREET 17TH FLOOR NEW YORK, NY 10036 UNITED STATES Primary email: rlehv@fzlz.com Secondary email(s): klim@fzlz.com, lzhang@fzlz.com, ttabfiling@fzlz.com 212-813-5928
Submission	Motion to Suspend for Settlement Discussions
Filer's name	Richard Lehv
Filer's email	rlehv@fzlz.com, Klim@fzlz.com, ttabfiling@fzlz.com, klteam@fzlz.com
Signature	/Richard Lehv/
Date	04/12/2023
Attachments	F5105859.pdf(103796 bytes)

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

WATTBIKE IP LIMITED,

Opposer,

v.

RPM FITNESS, INC.,

Applicant

Opposition No.: 91273470

**OPPOSER’S MOTION TO SUSPEND FOR SETTLEMENT
AND TO REOPEN DEADLINES**

Opposer, Wattbike IP Limited, moves to suspend this proceeding for sixty days because the parties are engaged in settlement discussions. On March 27, 2023, the undersigned sent the most recent detailed settlement terms to Applicant’s counsel. As of April 5, 2023, Applicant’s counsel was discussing them with his client. On April 6, the undersigned asked whether Applicant would in the meantime agree to suspend this proceeding, but has not yet heard back.

Opposer also moves to reopen the deadlines for trial disclosures and trial testimony. The reason is that the parties have been engaged in settlement discussions of this proceeding and Opposition Number 912783383, which involves the same mark. The negotiations have been ongoing for some time, with various delays while awaiting instructions from the clients. In the course of this process the parties have extended the deadlines based on settlement negotiations. The undersigned was under the impression that this proceeding had recently been suspended, but it appears that it was not. Therefore, Opposer respectfully requests that the deadlines be reopened. Applicant will not be prejudiced since as shown on the docket of this proceeding and Opposition

Number 912783383, the parties are engaged in settlement negotiations and the trial period in Opposition Number 912783383 has not yet begun.

Opposer therefore respectfully requests that this proceeding be suspended for 60 days for settlement and that the deadlines for pretrial disclosures and trial be re-opened.

Dated: New York, New York
April 12, 2023

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: /Richard Lehv/
Richard Lehv
Attorneys for Opposer
151 West 42nd Street, 17th Floor
New York, New York 10036
(212) 813-5900

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being served on April 12, 2023 by email on Applicant's attorney, at rgilmore@mabr.com.

/Richard Lehv/
Richard Lehv