

ESTTA Tracking number: **ESTTA1369905**
Filing date: **07/09/2024**

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

Proceeding no.	91289547
Party	Plaintiff Rimfire Films Pty. Limited
Correspondence address	CHERYL L. BURBACH HOVEY WILLIAMS LLP 10801 MASTIN BLVD., SUITE 1000 CORPORATE WOODS, BUILDING 84 OVERLAND PARK, KS 66210 UNITED STATES Primary email: cburbach@hoveywilliams.com Secondary email(s): bbarbieri@hoveywilliams.com, litigation@hoveywilliams.com 9136479050
Submission	Motion to Suspend for Settlement Discussions
Filer's name	Cheryl L. Burbach
Filer's email	cburbach@hoveywilliams.com, bbarbieri@hoveywilliams.com, litigation@hoveywilliams.com
Signature	/Cheryl L. Burbach/
Date	07/09/2024
Attachments	Joint Motion For A Six-Month Suspension Of Current Deadlines - DUNDEE .pdf(207722 bytes)

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

In the Matter of)	
Serial No. 97410774)	
)	
RIMFIRE FILMS PTY. LIMITED,)	Opposition No. 91289547
Opposer,)	
)	
v.)	Mark: DUNDEE
)	
SOUTHPAW EXPRESS LLC)	
DBA CAPE WOOLAMAI MERCANTILE CO.,)	
Applicant.)	

JOINT MOTION FOR A SIX-MONTH (6) SUSPENSION OF CURRENT DEADLINES

Rimfire Films Pty Ltd (“Opposer”) and Southpaw Express LLC d/b/a Cape Woolamai Mercantile Co. (“Applicant”) (collectively the “Parties”) jointly move the Trademark Trial and Appeal Board to suspend all of the current deadlines to the instant proceeding. In support of the Motion, the Parties provide the following:

1. The Parties have been, and remain, actively engaged in joint settlement discussions to resolve the dispute that is the subject of this proceeding and wish to direct all efforts to such negotiations.
2. The Parties undertook the Discovery Conference on April 11, 2024, and began settlement negotiations.
3. To allow for settlement negotiations, Opposer filed a consented motion to extend the proceedings on May 13, 2024, which the Board subsequently granted (5 & 6 TTABVUE).
4. To continue the ongoing settlement negotiations, Opposer again filed a consented motion to extend the proceedings on June 10, 2024, which the Board subsequently granted (7 & 8 TTABVUE).

5. The Parties remain actively engaged in joint settlement discussions to resolve the dispute that is the subject of this consolidated proceeding.

6. The settlement discussions between the Parties have been constant, and the parties have exchanged a written Settlement Agreement draft, which is still under negotiation although advancements have been made between the parties.

7. Given the great lengths the Parties have endured to come to a mutual settlement agreement, the Parties hope to review and finalize the formal written settlement agreement to resolve this proceeding in a way that is amicable both Parties.

8. Thus, the Parties request a suspension of proceedings so that final resolution of a formal written settlement agreement can be completed.

9. Thus, in the interest of judicial economy, the Parties respectfully request the six-month (6) suspension of the current deadlines to continue settlement efforts. In the event that settlement negotiations are not successful, either party may unilaterally resume proceedings.

Dated: July 9, 2024

Respectfully submitted,

RIMFIRE FILMS PTY LTD

By: s/Cheryl L. Burbach

Cheryl L. Burbach
C. Blair Barbieri
HOVEY WILLIAMS LLP
10801 Mastin Blvd., Suite 1000
Corporate Woods, Building 84
Overland Park, KS 66210
Tel: (913) 647-9050
Email: cburbach@hoveywilliams.com
bbarbieri@hoveywilliams.com

Respectfully submitted,

SOUTHPAW EXPRESS LLC
D/B/A CAPE WOOLAMAI MERCANTILE
CO.

By: s/Daniel Davis

Thomas Dunlap
Daniel Davis
DUNLAP BENNETT LUDWIG PLLC
211 Church Street, SE, Trademarks Group
Leesburg, VA 20175
Email: tdunlap@dbllawyers.com

litigation@hoveywilliams.com

ATTORNEYS FOR OPPOSER
RIMFIRE FILMS PTY LTD

ddavis@dbllawyers.com

trademarks@dbllawyers.com

dludwig@dbllawyers.com

abutterman@dbllawyers.com

ATTORNEYS FOR APPLICANT

SOUTHPAW EXPRESS LLC

D/B/A CAPE WOOLAMAI MERCANTILE
CO.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic mail,
e-mail, on July 9, 2024, to:

Thomas Dunlap
Daniel Davis
DUNLAP BENNETT LUDWIG PLLC
211 Church Street, SE, Trademarks Group
Leesburg, VA 20175

Email:

tdunlap@dbllawyers.com

ddavis@dbllawyers.com

trademarks@dbllawyers.com

dludwig@dbllawyers.com

abutterman@dbllawyers.com

s/ Cheryl L. Burbach