

TTAB

50698/15

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

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MAG INSTRUMENT, INC.,	:	Cancellation No. 92040103
	:	
Petitioner,	:	Registration No. 2,198,795
	:	Date of Issuance: October 20, 1998
v.	:	Trademark: E-MAG
MAGASCHONI APPAREL GROUP, INC.,	:	
	:	
Registrant.	:	

-----X

Attn: TTAB
 Commissioner for Trademarks
 Trademark Assistance Center
 Madison East, Concourse Level Room C 55
 600 Dulany Street
 Alexandria, VA 22314

"Express Mail" mailing label No.: EV 591311499 US	
Date of Deposit:	January 27, 2005
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, Madison East, Concourse Level Room C 55, 600 Dulany Street, Alexandria, VA 22314.	
Name:	Jane Williams
Signature:	<i>Jane Williams</i>

STIPULATION TO SUSPEND INTER PARTES PROCEEDING

Dear Commissioner:

Pursuant to 37 C.F.R. § 2.117 and subject to the approval of the Trademark Trial and Appeal Board, Registrant Magaschoni Apparel Group, Inc. and Petitioner Mag Instrument, Inc. move to suspend the above-captioned proceeding for a period of six (6) months to enable the parties to further explore settlement. The parties appear very close to reaching an agreement.



In the event that the parties are unable to ultimately settle the matter, we respectfully request that when the suspension is lifted, all applicable time periods be extended, including the time for discovery. Although we recently learned that discovery in this matter had already closed, on October 29, 2004, prior to the close of discovery, Registrant sent a Stipulation To Suspend Inter Partes Proceedings to the Board requesting, on behalf of both Registrant and Petitioner, a six month suspension of the proceedings pending settlement discussions. A copy of the October 29 Stipulation, including the Certificate of Mailing, is annexed hereto. Apparently, same was never acted upon by the Board.

Accordingly, it is respectfully requested that all further proceedings in Cancellation No. 92040103 be suspended for six (6) months, and that the dates are re-set to allow time for discovery.

An original and two copies of this Stipulation are submitted herewith.

A certificate of service upon counsel for Petitioner is attached.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorney for Applicant
90 Park Avenue
New York, New York 10016
(212) 336-8000 (telephone)
(212) 336-8001 (Facsimile)

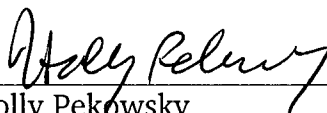
Dated: January 27, 2005
New York, New York

By: 
Holly Pekowsky

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that she is one of the attorneys for Registrant Magaschoni Apparel Group, Inc. in the captioned action, and that on the date which appears below she served copies of the annexed STIPULATION TO SUSPEND INTER PARTES PROCEEDING on Petitioner Mag Instrument, Inc. by causing copies thereof to be placed in a depository under the care and custody of the United States Postal Service, First Class postage prepaid affixed thereto, addressed to the attorneys for Petitioner, as follows:

Mary A. Tuck, Esq.
Jones Day
555 West Fifth Street
Los Angeles, California 90013-1025



Holly Pekowsky

Dated: January 27, 2005
New York, New York

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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"Express Mail" mailing label No.: EL 995563817 US	
Date of Deposit:	October 29, 2004
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Name:	Jane Williams
Signature:	

STIPULATION TO SUSPEND INTER PARTES PROCEEDING

Dear Commissioner:

Pursuant to 37 C.F.R. § 2.117 and subject to the approval of the Trademark Trial and Appeal Board, Applicant Magaschoni Apparel Group, Inc. moves to suspend the above-captioned proceeding for a period of six (6) months to enable the parties to further explore settlement. In the event that the parties are unable to ultimately settle the matter, we respectfully request that all applicable time periods be extended.

The undersigned counsel for Registrant and counsel for Petitioner Mag Instrument, Inc., Mary A. Tuck, Esq., agreed to suspend the proceedings subject to Board approval to enable the parties to consider settlement proposals.

Accordingly, it is respectfully requested that all further proceedings in Cancellation No. 91154714 be suspended for six (6) months.

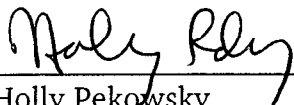
An original and two copies of this Stipulation are submitted herewith.

A certificate of service upon counsel for Petitioner is attached.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorney for Applicant
90 Park Avenue
New York, New York 10016
(212) 336-8000 (telephone)
(212) 336-8001 (Facsimile)

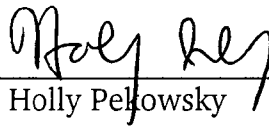
Dated: October 29, 2004
New York, New York

By: 
Holly Pekowsky

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that she is one of the attorneys for Registrant Magaschoni Apparel Group, Inc. in the captioned action, and that on the date which appears below she served copies of the annexed STIPULATION TO SUSPEND INTER PARTES PROCEEDING on Petitioner Mag Instrument, Inc. by causing copies thereof to be placed in a depository under the care and custody of the United States Postal Service, First Class postage prepaid affixed thereto, addressed to the attorneys for Petitioner, as follows:

Mary A. Tuck, Esq.
Jones Day
555 West Fifth Street
Los Angeles, California 90013-1025



Holly Peltowski

Dated: October 29, 2004
New York, New York