

ESTTA Tracking number: **ESTTA23280**

Filing date: **01/12/2005**

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

<b>Proceeding</b>	92043584
<b>Party</b>	Defendant soundmatters, inc. soundmatters, inc. 1960 Bryant Street San Francisco, CA 94110
<b>Correspondence Address</b>	soundmatters, inc. 1960 Bryant Street San Francisco, CA 94110
<b>Submission</b>	Motion to Suspend for Settlement Discussions
<b>Filer's Name</b>	Katherine A. Keating
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<b>Signature</b>	/katherine a keating/
<b>Date</b>	01/12/2005
<b>Attachments</b>	Motion to Suspend.pdf ( 3 pages )

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

In the Matter of

Registrant: soundmatters, inc.  
1960 Bryant Street  
San Francisco, California 94110

a California corporation

Trademark: SOUNDMATTERS

Reg. No.: 2,771,908

International Class: 9

Registration Date: October 7, 2003

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Altec Lansing Technologies, Inc.		)	
	Petitioner,	)	CANCELLATION NO. 92,043,584
		)	
	v.	)	
soundmatters, Inc.		)	<b>MOTION TO SUSPEND</b>
		)	<b>CANCELLATION PROCEEDING</b>
	Registrant	)	
		)	
<hr/>		)	

BOX TTAB – NO FEE  
Assistant Commissioner of Patents and Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Registrant respectfully requests that this proceeding be suspended for sixty (60) days pending the disposition of settlement negotiations between Petitioner and Registrant. Petitioner and Registrant have been negotiating a resolution to this matter, and a settlement is imminent. Registrant submits that good cause for the suspension therefore exists. This Motion to Suspend is made subject to the right of either party to request resumption.

In fact, Registrant understood that this Cancellation Proceeding was already suspended pending resolution of the parties' settlement negotiations, pursuant to agreement between the parties'. Registrant has just learned, however, that the Trademark Trial and Appeal Board issued a Notice of Default on December 2, 2004. Because counsel for Registrant never received this Notice of Default and because settlement between the parties regarding this Cancellation Proceeding is imminent, Registrant respectfully requests that the Notice of Default be set aside and the Cancellation Proceeding be suspended pending resolution of the parties' settlement negotiations.

Although Registrant believes there is no filing fee for this request, please charge any fees that may be due or credit any overpayment to the DLA Piper Rudnick Gray Cary Deposit Account No. 19-4215 (Attorney Ref. No. 580175-10001).

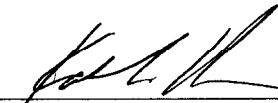
Favorable consideration of this Motion to Suspend is respectfully solicited.

Respectfully submitted,

Attorneys for Registrant  
soundmatters inc.

Dated: January 12, 2005

By:

  
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Katherine A. Keating  
Katherine C. Spelman  
DLA Piper Rudnick Gray Cary US LLP  
333 Market Street, Suite 3200  
San Francisco, California 94105-2150  
Telephone: 415-659-7000

**CERTIFICATE OF MAILING**

The undersigned hereby certifies that the foregoing **MOTION TO SUSPEND CANCELLATION PROCEEDING** is being served upon G. Roxanne Elings, counsel for Petitioner, by U.S. First Class Mail, postage fully prepaid, on this 12<sup>th</sup> day of January, 2005, addressed as follows:

G. Roxanne Elings, Esq.  
Greenberg Traurig, LLP  
200 Park Avenue  
New York, NY 10166



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Kristen Kern