

ESTTA Tracking number: **ESTTA732460**

Filing date: **03/09/2016**

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

Proceeding	92057182
Party	Defendant Pasquale Rotella and Insomniac Holdings, LLC
Correspondence Address	CHRISTOPHER T VARAS KILPATRICK TOWNSEND & STOCKTON LLP 1420 FIFTH AVENUE SUITE 3700 SEATTLE, WA 98101 UNITED STATES cvaras@kilpatricktownsend.com, colin@kaufmanlawgrouppla.com
Submission	Other Motions/Papers
Filer's Name	Christopher T. Varas
Filer's e-mail	cvaras@kilpatricktownsend.com
Signature	/Christopher T. Varas/
Date	03/09/2016
Attachments	Joint Motion to Suspend Proceedings.pdf(15493 bytes)

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

In the Matter of Registration Nos. 3,777,422 and 4,090,760
Marks: ELECTRIC DAISY CARNIVAL; EDC
Issued: April 20, 2010; January 24, 2012

Stephen R. Enos,

Petitioner,

v.

Insomniac Holdings, LLC,

Respondent.

Cancellation No. 92057182 (parent)

Gary Richards,

Petitioner,

v.

Insomniac Holdings, LLC,

Respondent.

Cancellation No. 92061310

**JOINT STIPULATED MOTION TO SUSPEND PROCEEDINGS PENDING
DISPOSITION OF PENDING MOTIONS AND TO RESET CASE DEADLINES**

Petitioners Stephen Enos and Gary Richards, and Respondent Insomniac Holdings, LLC, through their undersigned counsel and pursuant to 37 C.F.R. §2.117(c) and 2.120(e)(2), jointly request that the Board suspend these consolidated proceedings pending disposition of the motions currently pending before the Board, as set forth below.

WHEREAS, Discovery in these consolidated proceedings is scheduled to close on March 28, 2016; and

WHEREAS, Insomniac Holdings has filed a motion for evidentiary sanctions, a motion to compel and a motion to re-open certain depositions; and

WHEREAS, Briefing on all three motions is ongoing; and

WHEREAS, The Board's orders on the pending motions will significantly affect the remainder of discovery; and

WHEREAS, Insomniac Holdings and Petitioner Enos have both disclosed expert witnesses; and

WHEREAS, the parties agree that a suspension of these consolidated proceedings until the Board has ruled on the pending motions will serve the interests of efficiency for the parties and for the Board.

NOW THEREFORE, the parties respectfully request that the Board: 1) promptly suspend these consolidated proceedings pending resolution of the pending motions; and 2) reset the case deadlines and set forth a schedule for expert discovery concurrently with the orders on the pending motions.

DATED: March 9, 2016

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

By: /Christopher T. Varas/
Christopher T. Varas
Larry W. McFarland
1420 Fifth Avenue, Suite 3700
Seattle, WA 98101
Telephone: (206) 516-3088
Attorneys for Respondent Insomniac Holdings,
LLC

THE RUDD LAW FIRM

By: /Christopher L. Rudd/
Christopher L. Rudd
15233 Ventura Blvd., Suite 320
Sherman Oaks, CA 91403
Attorney for Stephen R. Enos

KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP

By: /Gregory P. Korn/
Lawrence Y. Iser
Gregory P. Korn
Gregory S. Gabriel
808 Wilshire Blvd.
Third Floor
Santa Monica, CA 90401
Attorneys for Gary Richards

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2016, a true and complete copy of the foregoing **JOINT STIPULATED MOTION TO SUSPEND PROCEEDINGS PENDING DISPOSITION OF PENDING MOTIONS AND TO RESET CASE DEADLINES** has been served on counsel for the parties specified below via First Class Mail, postage prepaid, to:

Christopher L. Rudd
The Rudd Law Firm
15233 Ventura Blvd. Suite 320
Sherman Oaks, CA 91403
Attorney for Petitioner Stephen R. Enos

Lawrence Y. Iser
Gregory P. Korn
Gregory S. Gabriel
Kinsella Weitzman Iser Kump & Aldisert LLP
808 Wilshire Blvd.
Third Floor
Santa Monica, CA 90401
Attorneys for Petitioner Gary Richards

/s/ Angelina Caviles
Angelina Caviles