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

Proceeding	91199752
Party	Defendant Afgritech Ltd. and Carr's Agriculture Limited
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Submission	Motion to Suspend for Settlement Discussions
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Date	08/27/2013
Attachments	Stipulated Motion to Suspend (8-27-13).pdf(26464 bytes)

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

Evonik Degussa GmbH)	
)	
Opposer,)	
)	
v.)	Consolidated Opposition No. 91199752
)	
Afgriotech Ltd.)	
)	
Applicant.)	

STIPULATED MOTION TO MODIFY CASE MANAGEMENT ORDER

Pursuant to FRCP 6(b), 37 C.F.R. §§ 2.116(a) and 2.117(c), and TBMP § 510.3(a), and for good cause shown, Applicant Afgriotech Ltd. moves for an order suspending all proceedings and extending all outstanding deadlines in the above-stylized action by thirty (30) days. Opposer Evonik Degussa GmbH has consented to this Motion through their counsel, Elizabeth Borland.

“Proceedings may be suspended for good cause upon motion or upon stipulation of the parties approved by the Board.” TBMP § 510.03(a). “Proceedings may be suspended, upon motion or stipulation under 37 C.F.R. § 2.117(c), for purposes of settlement negotiations, subject to the right of either party to request resumption at any time.” Id.

Good cause for the instant motion exists because the parties are actively engaged in settlement negotiations. The parties have reached an agreement in principle and are in the process of formalizing the written settlement document. A thirty (30) day suspension will allow the parties to continue negotiating in good faith without incurring additional legal expenses in this proceeding.

The parties therefore request that the proceedings be suspended and that all outstanding deadlines be extended as follows:

<u>Event</u>	<u>Scheduled Date</u>	<u>Requested Date</u>
Afgritech's pretrial disclosures due	August 27, 2013	September 26, 2013
Afgritech's 30-day testimony period as defendant in Opposition No. 91199752 and as plaintiff in Opposition No. 91200334 to open	September 10, 2013	October 10, 2013
Afgritech's 30-day testimony period as defendant in Opposition No. 91199752 and as plaintiff in Opposition No. 91200334 to close	October 10, 2013	November 9, 2013
Evonik's pretrial disclosures for rebuttal in Opposition No. 91199752 and as defendant in Opposition No. 91200334 due	October 25, 2013	November 24, 2013
Evonik's 30-day testimony period as defendant in Opposition No. 91200334 and for rebuttal as plaintiff in Opposition No. 91199752 to open	November 9, 2013	December 9, 2013
Evonik's 30-day testimony period as defendant in Opposition No. 91200334 and for rebuttal as plaintiff in Opposition No. 91199752 to close	December 9, 2013	January 8, 2014
Afgritech's rebuttal disclosures as plaintiff in Opposition No. 91200334 due	December 24, 2013	January 23, 2014
Afgritech's 15-day rebutal testimony period as plaintiff in Opposition No. 91200334 to open	January 8, 2014	February 7, 2014

Afgritech's 15-day rebuttal testimony period as plaintiff in Opposition No. 91200334 to close	January 23, 2014	February 22, 2014
Brief for Evonik as plaintiff in Opposition No. 91199752 due	March 24, 2014	April 23, 2014
Brief for Afgritech as defendant in Opposition No. 91199752 and as plaintiff in Opposition No. 91200334 due	April 23, 2014	May 23, 2014
Brief for Evonik as defendant in Opposition No. 91200334 and reply brief, if any, as plaintiff in Opposition No. 91199752 due	May 23, 2014	June 22, 2014
Reply brief, if any, for Afgritech as plaintiff in Opposition No. 91200334 due	June 9, 2013	July 9, 2014

Conclusion

Accordingly, the parties respectfully request that the Board suspend these proceedings and extend the deadlines as set forth above.

Dated: August 27, 2013

Respectfully Submitted,

By its Attorneys,

/s/ Cheryl L. Burbach
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was deposited with the United States Postal Service as first class mail, postage prepaid, on this 27th day of August, 2013 to:

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