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

Proceeding	91211285
Party	Plaintiff Laxmi Snacks Pvt. Ltd.
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Submission	Other Motions/Papers
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Attachments	Motion to accept susp REAL NAMKEEN.pdf(199107 bytes)

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

LAXMI SNACKS PVT. LTD.,)	
)	Opposition No. 91211285
Opposer,)	
)	Application Serial No. 85/711,780
v.)	Mark: REAL NAMKEEN & Design
)	
Meenaxi Enterprise, Inc.,)	
)	
Applicant.)	
	/	

**NOTION TO ACCEPT OPPOSER’S MOTION FOR SUSPENSION FOR SETTLEMENT
WITH CONSENT**

In support of this motion and in compliance with the Board’s Order dated July 7, 2015, the parties respectfully show that they are actively engaged in pursuing the settlement of this matter and believe they will reached an agreement in principle regarding the primary elements of a settlement within the next four to five months. The parties further show that the settlement of this matter is complicated by the fact that the Applicant is a company located in India (which necessitates the input of numerous individuals in India, including Counsel for the Opposer in India (“Counsel for Opposer in India”)) and the fact that Opposer’s management team often travel and have limited access to email or phone. In further response to the Board’s July 7 Order, the parties state that, since December 2013 Counsels for the parties have communicated on numerous occasions since December 2013.

Specifically, in December 2013 Counsel for Applicant sent to Counsel for Opposer samples of alleged use of the mark in US for review. In exchange, Counsel for Opposer sent to Counsel for Applicant information regarding shipment of Opposer’s products in the US with the

priority date in the form of invoices, bills of landing, labels, etc. In January 2014 Counsel for Opposer contacted Counsel for Applicant informing that the settlement proposal will follow shortly. In February of 2014 Counsel for Applicant informed Counsel for Opposer that Applicant would like to resolve this case and see Opposer is willing to allow an exclusive distributorship agreement in the U.S. Counsel for Opposer communicated with Opposer regards same. In February 2014 Counsel for Applicant sent a reminder to Counsel for Opposer with a follow up regards the settlement offer. In May 2014 Counsel for Opposer contacted Opposer Counsel in India with a follow up regarding the settlement proposal. In May 2015 Opposer's Counsel in India informed Counsel for Opposer that they are waiting for Opposer's response to the settlement proposal. In June 2014 Opposer's Counsel in India communicated with Counsel for Opposer with an offer to produce any additional evidence of trademark use in US. In June 2014 Counsel for Opposer corresponded with Counsel for Opposer in India regarding the settlement proposal and nature of the distributorship agreement. In July 2014 Counsel for Opposer received instructions to secure consent form Applicant to suspend proceedings to have more time to discuss the settlement proposal with Opposer. In July 2014 Counsel for Opposer corresponded with Counsel for Applicant and secured such consent. In August of 2014 Counsel for Opposer corresponded with Counsel for Opposer in India regarding the costs of finalizing the oppositions due to a settlement. In January 2015 Counsel for Opposer corresponded with Counsel for Opposer in India regarding the nature of the distributorship agreement (exclusive vs. non-exclusive). In January 2015 Counsel for Opposer contacted Counsel for Applicant and asked Applicant to offer main terms of the distributorship agreement. In January 2015 Counsel for Applicant corresponded with Counsel for Opposer regarding the nature of the distributorship agreement. In January 2015 Counsel for Opposer received instructions to secure consent form

Applicant to suspend proceedings to have more time to discuss the settlement proposal with Opposer. In January 2015 Counsel for Opposer corresponded with Counsel for Applicant and secured such consent. In June 2015 Counsel for Opposer in India corresponded with Counsel for Opposer regarding the terms of the distributorship agreement. In July 2015 Counsel for Opposer received instructions to secure consent from Applicant to suspend proceedings to have more time to discuss the settlement proposal with Opposer. In July 2015 Counsel for Opposer corresponded with Counsel for Applicant and secured such consent.

As presently advised, the parties anticipate that they will be able to continue their discussion of the draft settlement agreement and, within the next four to five months resolve any open issues regarding the agreement. The parties will then be in a position to prepare the necessary schedules to the agreement (which will identify the settlement terms as well the terms of the distributorship agreement), finalize the agreement, and have the agreement executed. In view of the status of the parties' settlement negotiations and to facilitate the parties' continuing settlement discussions, the parties have refrained from initiating discovery in this matter. In the event that the parties' settlement in principle is not consummated, the parties expect that they will be in a position to serve any necessary discovery requests and complete any needed discovery prior to the close of the discovery period as extended in accordance with the schedule above.

WHEREFORE, in view of the foregoing, Opposer and Applicant respectfully submit that good cause has been shown for the further suspension requested herein and request that the Board enter an order approving the schedule for further proceedings set forth above.

Respectfully submitted,

Dated: July 17, 2015

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Dated: July 17, 2015

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