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Filing date: **11/21/2013**

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

Proceeding	91211312
Party	Plaintiff GrubHub, Inc
Correspondence Address	STEVEN L BARON MANDELL MENKES LLC 1 N FRANKLIN AVE, SUITE 3600 CHICAGO, IL 60606 UNITED STATES sbaron@mandellmenkes.com, nharris@mandellmenkes.com, emorris@mandellmenkes.com, mdavis@mandellmenkes.com, bturner@mandellmenkes.com
Submission	Motion to Suspend for Settlement Discussions
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Signature	/Steven L. Baron/
Date	11/21/2013
Attachments	GrubHub v. So Within Reach - Consent Motion to Extend Period of Suspension.pdf(12215 bytes)

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

In the Matter of Serial No.: 85/820,352
For the Mark: GURUHUB
Filed: January 10, 2013
Date of Publication: May 28, 2013

GRUBHUB, INC.,)	
a Delaware corporation,)	
)	
Opposer,)	
)	Opposition No. 91211312
v.)	
)	
SO WITHIN REACH, LLC,)	
an Alabama limited liability company,)	
)	
Applicant.)	

CONSENT MOTION TO EXTEND SUSPENSION FOR SETTLEMENT

Opposer, GrubHub, Inc. (“Opposer”), and Applicant, So Within Reach, LLC’s (“Applicant”), jointly move to extend by an additional sixty days the period of suspension to allow the parties an opportunity to attempt to complete a settlement of this matter. In support of this motion, the parties state as follows:

1. On September 23, 2013, the parties conducted a telephonic discovery conference with Interlocutory Attorney, George C. Pologeorgis. During that conference, the parties advised the Board that they had been conducting bilateral settlement discussions prior to the conference and requested that the proceedings be suspended for sixty days to afford the parties time to concentrate on settlement. The Board approved this request.

2. Following the discovery conference, the Board issued an order, which, among other things, set the following schedule to resume upon the conclusion of the suspension period:

- | | |
|-----------------------|------------|
| a. Proceedings resume | 11/24/2013 |
|-----------------------|------------|

- b. Initial Disclosures Due 12/24/2013
- c. Expert Disclosures Due 4/23/2014
- d. Discovery Closes 5/23/2014
- e. Plaintiff's Pretrial Disclosures Due 7/7/2014
- f. Plaintiff's 30-day Trial Period Ends 8/21/2014
- g. Defendant's Pretrial Disclosures Due 9/5/2014
- h. Defendant's 30-day Trial Period Ends 10/20/2014
- i. Plaintiff's Rebuttal Disclosures Due 11/4/2014
- j. Plaintiff's 15-day Rebuttal Period Ends 12/4/2014

3. Since the discovery conference and order of September 23, 2013, the parties have exchanged drafts of a potential settlement agreement and had ongoing discussions toward attempting to reach a resolution of this matter. The parties believe that they would benefit from having additional time to attempt to complete a settlement of the matter. Therefore, they request that the matter remain in suspension for an additional sixty day. In the event that the parties do not reach an agreement or otherwise inform the board concerning the progress of the negotiations, upon conclusion of the proposed suspension period, the parties request that the proceedings resume without further notice or order from the Board, upon the schedule below.

- a. Proceedings resume 1/24/2014
- b. Initial Disclosures Due 2/24/2014
- c. Expert Disclosures Due 6/23/2014
- d. Discovery Closes 7/23/2014
- e. Plaintiff's Pretrial Disclosures Due 9/7/2014
- f. Plaintiff's 30-day Trial Period Ends 10/21/2014

- g. Defendant's Pretrial Disclosures Due 11/5/2014
- h. Defendant's 30-day Trial Period Ends 12/20/2014
- i. Plaintiff's Rebuttal Disclosures Due 1/4/2015
- j. Plaintiff's 15-day Rebuttal Period Ends 2/4/2015

WHEREFORE, for the reasons set forth above, the parties request that the Board extend the suspension by an additional sixty days, to January 24, 2014, and reset the dates for the proceeding as reflected above.

Respectfully submitted,

Date: November 21, 2013

GRUBHUB, INC.

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CERTIFICATE OF SERVICE

I hereby certify that **CONSENT MOTION TO EXTEND SUSPENSION FOR SETTLEMENT** is being filed using the Electronic System for Trademark Trials and Appeals, on this 21st day of November, 2013.

I further certify that, by agreement of the parties, I sent the foregoing document by electronic mail to the following e-mail addresses:

So Within Reach, LLC
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on this 21st day of November, 2013.

/Steven L. Baron/