

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: November 4, 2014

Opposition No. 91212553

Whole Foods Market IP, L.P.

v.

365 Laboratories, LLC

Amy Matelski, Paralegal Specialist:

Applicant's consented motion (filed October 29, 2014) to suspend this proceeding for sixty days is granted as modified.¹

Because the parties are negotiating for a possible settlement of this case, proceedings are suspended, subject to the right of either party to request resumption at any time. *See* Trademark Rule 2.117(c), and 2.127(a); and TBMP § 605.02).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume on January 3, 2015 without further notice or order from the Board, upon the schedule set forth below.

Initial Disclosures Due	2/3/2015
Expert Disclosures Due	6/3/2015
Discovery Closes	7/3/2015
Plaintiff's Pretrial Disclosures	8/17/2015
Plaintiff's 30-day Trial Period Ends	10/1/2015
Defendant's Pretrial Disclosures	10/16/2015
Defendant's 30-day Trial Period Ends	11/30/2015

¹ The Board notes that the trial schedule set forth in applicant's motions for suspension dated July 14, 2014, September 12, 2014 and October 29, 2014 did not include the initial disclosure due date.

Plaintiff's Rebuttal Disclosures
Plaintiff's 15-day Rebuttal Period Ends

12/15/2015
1/14/2016

If the parties agree to another extension or suspension, they will be expected to report to the Board on the progress of discovery, or of any ongoing settlement negotiations. Such report must include: a recitation of discovery taken to date, a statement of issues that have been resolved and issues that remain to be resolved, and a firm timetable for resolution. Absent such a report, any future motion to extend or suspend may not be approved, even though agreed to by the parties.

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.²

² If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject application/registration, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.