

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: January 27, 2015

Opposition No. 91212553

Whole Foods Market IP, L.P.

v.

365 Laboratories, LLC

Amy Matelski, Paralegal Specialist:

On January 9, 2015 the Board denied applicant's consented motion (filed December 31, 2014) to suspend this proceeding in view of no progress report having been filed. On January 14, 2015, applicant filed a response with the parties progress report on its settlement negotiations and a further motion to suspend, filed January 22, 2015.¹ In view thereof, applicant's consented motions filed December 31, 2014 and January 22, 2015 are granted.

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 without further notice or order from the Board, upon the schedule set forth below.

Initial Disclosures Due	4/3/2015
Expert Disclosures Due	8/1/2015
Discovery Closes	8/31/2015
Plaintiff's Pretrial Disclosures	10/15/2015
Plaintiff's 30-day Trial Period Ends	11/29/2015

¹ Applicant's response does not indicate proof of service of a copy of same on counsel for opposer, as required by Trademark Rule 2.119. A copy of the response can be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

Defendant's Pretrial Disclosures	12/14/2015
Defendant's 30-day Trial Period Ends	1/28/2016
Plaintiff's Rebuttal Disclosures	2/12/2016
Plaintiff's 15-day Rebuttal Period Ends	3/13/2016

Inasmuch as applicant has provided the Board with an updated report of the parties settlement discussions as previously required, the parties are reminded that there is a continuing obligation to provide good cause in the form of detailed progress reports for any further extension or suspension requests.

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.