

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: February 9, 2015

Opposition No. 91212680
(**Parent Case**)
Opposition No. 91213587

Frito-Lay North America, Inc.

v.

Real Foods Pty Ltd

**George C. Pologeorgis,
Interlocutory Attorney:**

On January 23, 2015, Opposer filed a motion to compel discovery. On February 5, 2015, the parties filed a stipulation wherein the parties agreed to (1) certain statement of facts made by Applicant regarding particular documents produced by Applicant during discovery, and (2) permitting Applicant to serve amended discovery responses in accordance with the terms set forth in Applicant's January 30, 2015, correspondence to Opposer.¹ Contingent upon the Board's approval of the stipulation, Opposer agrees to withdraw its motion to compel.

¹ Opposer acknowledges receipt of Applicant's amended responses pursuant to the terms of Applicant's January 30, 2015, correspondence in the stipulation.

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The parties' stipulation filed on February 5, 2015 is noted and **APPROVED**. In view thereof, Opposer's motion to compel is deemed withdrawn and will be given no further consideration.

As a final matter, the Board notes that Applicant filed a motion for summary judgment on January 23, 2015.

Accordingly, these consolidated proceedings remain suspended pending the disposition of Applicant's motion for summary judgment.

Per the parties' February 5, 2015, stipulation, Opposer's response to Applicant's motion for summary judgment is due by **March 12, 2015**. Applicant's reply brief, if filed, is due in accordance with Trademark Rule 2.127(e).²

² If Opposer files and serves its response to Applicant's motion for summary judgment prior to the March 12, 2015, deadline, Applicant is allowed **twenty (20) days** from the date indicated on the certificate of service of Opposer's response in which to file and serve its reply brief. See Trademark Rule 2.127(e).