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

Proceeding	91212680
Party	Defendant Real Foods Pty Ltd
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Date	11/04/2015
Attachments	Executed ACR stipulation.pdf(166289 bytes )

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

In the Matter of Trademark Application  
Serial No. 79111074 for CORN THINS and  
Serial No. 85820051 for RICE THINS

FRITO-LAY NORTH AMERICA, INC.,	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91212680 (Parent)
	§	Opposition No. 91213587
REAL FOODS PTY LTD.,	§	
	§	
Applicant.	§	

**STIPULATED TRIAL PROCEDURE AND DEADLINES**

Opposer Frito-Lay North America, Inc. (“Opposer”) and Applicant Real Foods Pty. Ltd. (“Applicant”) hereby stipulate and agree as follows:

1. In lieu of a full trial, the Board may employ its Accelerated Case Resolution (“ACR”) procedure to resolve this proceeding based on: (1) the parties’ cross-motions for summary judgment, responses and reply briefs filed in support thereof, and evidence and testimony submitted therewith, (2) the parties’ briefs on Applicant’s Motion to Amend Applications, as well as (3) the supplemental briefing provided for in paragraph 5. Accordingly, the Board may resolve any genuine disputes of material fact arising from the parties’ briefs and Trial Evidence, as defined herein.

2. The evidence at trial of this case (the “Trial Evidence”) consists solely of the evidence automatically of record according to the Trademark Rules of Practice and the evidence previously submitted by the parties in support of or in opposition to the motions for summary judgment. No additional evidence or declarations shall be submitted nor shall any additional witnesses be identified.

3. All objections to the admissibility of the Trial Evidence are waived, without prejudice to the parties' rights to rely on arguments concerning the probative value of the Trial Evidence made in prior briefing or the right to assert arguments concerning the probative value of such Trial Evidence that may be raised in the parties' supplemental briefing as provided for in paragraph 5.

4. Opposer may submit a supplemental brief of no more than 20 pages no later than December 1, 2015. If Opposer submits a supplemental brief, Applicant may submit a supplemental response brief of no more than 20 pages no later than January 15, 2016. If Applicant submits a supplemental response brief, Opposer may submit a reply brief of no more than 10 pages no later than January 29, 2016.

5. Any supplemental briefing will be limited to the following topics:

- Legal arguments not previously raised or responded to in the briefs identified in paragraph 1.
- Discussion of Trial Evidence not previously discussed in the briefs identified in paragraph 1. However, as provided for in paragraph 3, all objections to admissibility have been waived.
- Any corrections to citations to the Trial Evidence in the parties' summary judgment briefing. Should a party correct a citation made in a previous brief, the opposing party shall have the opportunity to address the corrected evidence in its supplemental briefing.

6. The parties request that the Board approve this joint stipulation.

**[SIGNATURE PAGE TO FOLLOW]**

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing stipulation has been served via first-class mail, postage prepaid, at the address below on November 4, 2015.

William G. Barber  
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Ami Bhatt