

ESTTA Tracking number: **ESTTA666253**

Filing date: **04/13/2015**

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

| | |
|------------------------|--|
| Proceeding | 91213393 |
| Party | Defendant BNA Wine Group, LLC |
| Correspondence Address | ROBERT L BREWER BASS BERRY & SIMS PLC 150 3RD AVE SOUTH, SUITE 2800 NASHVILLE, TN 37201-2017 UNITED STATES trademarks@bassberry.com, rbrewer@bassberry.com, pmills@bassberry.com, mallard@bassberry.com |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Robert L. Brewer |
| Filer's e-mail | trademarks@bassberry.com |
| Signature | /Robert L. Brewer/ |
| Date | 04/13/2015 |
| Attachments | 4-13-2015 motion for suspension.pdf(58355 bytes) |

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

In re the matter of the Application Serial No: 85951383
For the Mark: HUMBLE PIE
Filed on: June 5, 2013
Published in the Official Gazette on November 5, 2013

One True Vine, LLC,

Opposer,

v.

BNA Wine Group, LLC,

Applicant.

Opposition No.: 91213393

MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

Applicant submits the instant Motion for Suspension for Settlement With Consent.

The parties are actively engaged in negotiations for the settlement of this opposition proceeding. The BNA Wine Group, LLC (“BNA Wine Group”) requests that these proceedings be suspended for an additional thirty (30) days to allow the parties time to finalize the details of a Settlement and Coexistence Agreement. The Applicant has secured the express consent of the other party to this proceeding for the suspension and resetting of dates via email.

Issues That Have Been Resolved: The parties have agreed to settle this dispute by way of a Settlement and Coexistence Agreement and have agreed to its main terms. The parties have exchanged a detailed draft of the agreement, they are reviewing it with counsel, and the majority of the parties’ obligations under the draft Coexistence Agreement have been agreed to.

Issues That Remain to Be Resolved: The only remaining issue to be resolved is finalizing the remainder of the Agreement.

Timetable for Resolution: The parties anticipate that the terms of the Settlement and Coexistence Agreement will be finalized within thirty (30) days from this Motion for Suspension for Settlement With Consent.

Accordingly, subject to the approval of the Trademark Trial and Appeal Board, the dates set out in the TTAB Order, dated February 11, 2015, should be reset as follows:

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|--|------------|
| Expert Disclosures Due: | 5/11/2015 |
| Discovery Period to Close: | 6/11/2015 |
| Plaintiff's Pretrial Disclosures: | 7/25/2015 |
| Plaintiff's 30-Day Trial Period Ends: | 9/9/2015 |
| Defendant's Pretrial Disclosures: | 9/24/2015 |
| Defendant's 30-Day Trial Period Ends: | 11/8/2015 |
| Plaintiff's Rebuttal Disclosures: | 11/23/2015 |
| Plaintiff's 15-Day Rebuttal Period Ends: | 12/22/2015 |

The BNA Wine Group has provided email addresses herein below for itself and for the opposing party so that any order on this motion may be issued electronically by the Board:

For One True Vine, LLC: trademarks@rutan.com, lhulley@rutan.com
and roines@rutan.com.

For BNA Wine Group: trademarks@bassberry.com, rbrewer@bassberry.com,
pmills@bassberry.com, and mallard@bassberry.com.

Respectfully submitted,

DATED: April 13, 2015

By:  _____

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*Attorneys for Applicant,
BNA Wine Group, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT has been served on the Attorneys of Record for Plaintiff, by mailing said copy on April 13, 2015, via First-Class U.S. Mail, with a courtesy copy being sent by email, to the following:

Lindsay Hulley, Esq.
Ronald P. Oines, Esq.
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DATED: April 13, 2015



Name: Marian Moore, Paralegal