

ESTTA Tracking number: **ESTTA702860**

Filing date: **10/16/2015**

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

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|---------------------------|---|
| Proceeding | 91214312 |
| Party | Defendant Midway Trading Corp. |
| Correspondence Address | LISA GREENWALD-SWIRE FISH & RICHARDSON PC P O BOX 1022 MINNEAPOLIS, MN 55440-1022 UNITED STATES TrademarkGroup-SV@fr.com |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Lisa Greenwald-Swire |
| Filer's e-mail | TrademarkGroup-SV@fr.com, tmdoctc@fr.com |
| Signature | /lisa greenwald-swire/ |
| Date | 10/16/2015 |
| Attachments | Diageo v Midway - Amended Consented Motion to Suspend - final.pdf(126370 bytes) |

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

In the matter of Trademark Application
Ser. No. 85/834,409 for **TANDUAY**
Filed on January 28, 2013
Published in the *Official Gazette* on July 16, 2013

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| DIAGEO BRANDS B.V., Opposer, v. MIDWAY TRADING CORP., Applicant. |
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Opposition No.: 91214312

**AMENDED STIPULATED CONSENT
MOTION TO SUSPEND**

**AMENDED STIPULATED CONSENT MOTION TO SUSPEND
FOR SETTLEMENT DISCUSSION FOR 30 DAYS**

Through its undersigned counsel, Applicant Midway Trading Corp. (“Applicant”) respectfully requests that the above-referenced opposition proceeding be suspended for a period of thirty (30) days from October 7, 2015 in order to allow the parties additional time to pursue settlement in this matter. This Amended Stipulated Consent Motion to Suspend supersedes the consented Motion for Suspension filed by Applicant on October 7, 2015, as that motion omitted several proceeding deadlines. Sabina A. Vayner, counsel for Opposer, consented to this amended motion to suspend by e-mail on October 16, 2015.

This request is made for good cause to accommodate ongoing settlement discussions and not made for purposes of delay. It is respectfully requested that the trial dates be reset as follows:

Answer to Amended Notice of Opposition Due.....11/11/15

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| Expert Disclosures Due | 11/08/15 |
| Discovery Closes | 12/08/15 |
| Plaintiff's Pretrial Disclosures..... | 01/22/16 |
| Plaintiff's 30-Day Trial Period Ends | 03/07/16 |
| Defendant/Counterclaim Plaintiff's Pretrial Disclosures | 03/22/16 |
| 30-Day Trial Period for Defendant and Plaintiff in the Counterclaim | 05/06/16 |
| Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due | 05/21/16 |
| 30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff... | 07/05/16 |
| Counterclaim Plaintiff's Rebuttal Disclosures Due..... | 07/20/16 |
| 15-day Rebuttal Period for Counterclaim Plaintiff Ends..... | 08/19/16 |
| Plaintiff's Trial Brief Due | 10/18/16 |
| Defendant's Trial Brief and Plaintiff in the Counterclaim Due | 11/17/16 |
| Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due..... | 12/17/16 |
| Reply Brief, if any, for Plaintiff in the Counterclaim Due | 01/01/17 |

Respectfully Submitted,



Date: October 14, 2015

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Attorney for APPLICANT
 MIDWAY TRADING CORP.

