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Filing date: **09/01/2016**

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

Proceeding	91215657
Party	Plaintiff Goya Foods, Inc.
Correspondence Address	STEPHEN L BAKER BAKER AND RANNELLS PA 92 E MAIN STREET SUITE 302 SOMERVILLE, NJ 08876 UNITED STATES jmr@br-tmlaw.com, k.hnasko@br-tmlaw.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	John M. Rannells
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Signature	/John M. Rannells/
Date	09/01/2016
Attachments	Opp 91215657 motion extend consent.pdf(713567 bytes )

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

GOYA FOODS, INC.	:	Opposition No.: 91215657
	:	
Opposer,	:	
v.	:	
	:	
	:	Mark:
	:	Ser. No.: 86060111
GOYOGO FROZEN YOGURT, LLC,	:	
	:	Mark: GOYOGO FROZEN YOGURT OUR
	:	INGREDIENTS YOUR CREATION
Applicant.	:	Ser. No.: 86037364
	:	

**MOTION ON CONSENT FOR EXTENSION OF TESTIMONY DATES**

Opposer, Goya Foods, Inc. (“Goya”), by its undersigned counsel, hereby moves (with the consent of Applicant) the Trademark Trial and Appeal Board for an extension of trial dates in the above captioned proceeding.

The close of Opposer’s trial period is currently set to close today, September 4, 2016.

The parties are in settlement negotiations.

On August 3, 2016 just prior to commencing the testimony deposition of Opposer’s witness, Joseph Perez, Opposer’s counsel and Applicant’s counsel had a discussion concerning settlement of the matter. At that meeting, certain specific terms were set forth by the parties with agreement to have those terms brought to their respective clients for review. The testimony deposition was adjourned *sine die* and the parties agreed to extend trial dates for 30 days to permit further discussion and negotiation.

A Motion to Extend Trial Dates was filed on August 5, 2016. The Board granted the motion but stated that any further requests must be accompanied by a written report regarding the progress of settlement negotiations.

On August 4, 2016 the undersigned drafted a proposed settlement agreement and forwarded the same for review to the attorney for Applicant.

On August 12, 2016 the parties' attorneys exchanged emails concerning the status of the negotiations.

On August 31, 2016 Applicant forwarded a draft red-line revision of the settlement agreement for Opposer's review. The parties exchanged various emails concerning the revised agreement and agreed upon certain of the revised language. Opposer is currently reviewing the remaining proposed language.

The settlement agreement is intended to settle all issues before the TTAB.

The parties believe that the additional 30 days being requested should be sufficient to enable the parties to either finalize an agreement and file appropriate documents with the Board, or determine that agreement is not possible.

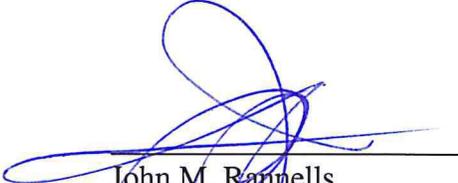
This extension is sought in good faith and not for any improper purpose of delay.

The dates, as rescheduled, would be set as follows:

Plaintiff's Trial Period Ends:	October 4, 2016
Defendant's Pretrial Disclosures:	October 19, 2016
Defendant's 30-day Trial Period Ends:	December 3, 2016
Plaintiff's Rebuttal Disclosures:	December 18, 2016
Plaintiff's 15-day Rebuttal Period Ends:	January 17, 2017

Respectfully submitted,

Dated: September 1, 2016

  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **MOTION ON CONSENT FOR EXTENSION OF TESTIMONY DATES**, in re Goya Foods, Inc. v. Goyogo Frozen Yogurt LLC, Opposition No. 91215657, was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 1<sup>st</sup> day of September, 2016 to the Applicant's attorney at the following address:

Dennis F Gleason  
Jardim Meisner & Susser PC  
30B Vreeland Rd, Ste 201  
Florham Park, NJ 07039

With courtesy copy to dgleason@jmslawyers.com

*/John M. Rannells/*  
John M. Rannells