

ESTTA Tracking number: **ESTTA640952**

Filing date: **11/24/2014**

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

Proceeding	91216681
Party	Plaintiff Tyson Refrigerated Processed Meats, Inc.
Correspondence Address	CLIFFORD C DOUGHERTY III MCAFEE & TAFT 211 NORTH ROBINSON, 10TH FLOOR OKLAHOMA CITY, OK 73102 7103 UNITED STATES jenna.johnston@tyson.com, essa.hicks@tyson.com, cliff.dougherty@mcafeetaft.com, teresa.purcell@mcafeetaft.com, rhonda.melton@mcafeetaft.com
Submission	Motion to Suspend for Settlement Discussions
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Date	11/24/2014
Attachments	suspension.pdf(121830 bytes)

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

Tyson Refrigerated Processed Meats, Inc.,)
)
Plaintiff,)
)
v.) Opposition No. 91216681
)
Aseptia, Inc.,)
)
Applicant.)

STIPULATED MOTION FOR SUSPENSION OF OPPOSITION

Pursuant to 37 C.F.R. § 2.117(c) and TBMP § 510.03(a), Tyson Refrigerated Processed Meats, Inc., (“Opposer”), by and through counsel, hereby moves the Trademark Trial and Appeal Board for a two-month suspension of the above-identified proceeding, until January 24, 2015. Suspension is requested for the following reasons:

1. Applicant, Aseptia, Inc., and Opposer are actively engaged in settlement discussions in an effort to resolve their differences and settle the case. A proposed settlement agreement has been prepared by counsel for Opposer and is now being considered by Opposer.

2. The requested suspension period will allow the parties time to consider if the present case and related issues can be resolved by a settlement agreement. Each party agrees that the case can be resumed upon the filing of a request for resumption by either party and approval thereof by the Board.

3. There have been no previous requests for a suspension. On September 18, 2014, the parties filed a request to extend the trial dates which was granted on September 23, 2014.

4. R. Brian Drozd, counsel for Applicant, consents to the requested suspension period.

Accordingly, Opposer respectfully requests suspension of the above proceeding for two months until January 24, 2015.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by first class mail, postage pre-paid on this 24th day of November 2014, to:

R. Brian Drozd
Oliff PLC
201 S. College Street, Suite 2350
Charlotte, North Carolina 29209



Clifford C. Dougherty, III