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

Proceeding	91218468
Party	Defendant Ali Baba Holdings, LLC
Correspondence Address	ALI BABA HOLDINGS LLC 590 SECOND STREET MANCHESTER, NH 03102 UNITED STATES
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Mark D. Lorusso
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Date	04/06/2015
Attachments	ALB-7000 Mot Suspnd.pdf(881381 bytes )

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

Whole Foods Market IP, L.P.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91218468
	)	Serial No. 86/087,817
Ali Baba Holding, LLC	)	Mark: ALIBABA WHOLE-
	)	FOODS FESTIVAL
Applicant.	)	TREASURES
	)	

**ASSENTED-TO MOTION FOR SUSPENSION OF PROCEEDINGS FOR  
SETTLEMENT**

Pursuant to 37 C.F.R. § 2.117(c), Applicant, Ali Baba Holdings, LLC, by and through its undersigned counsel, respectfully requests/moves that the proceedings be suspended for thirty (30) days to permit the parties to continue and complete settlement discussions that have commenced. The grounds for this motion are as follows:

1. Applicant filed a Motion for an Extension of Time without Consent on December 9, 2014 to request additional time to appoint new counsel, or to choose self-representation. Opposer filed an Opposition to Applicant's Motion for Extension without Consent on February 4, 2015 and requested an order for Applicant to show cause why judgment should not be entered against Applicant. A decision has not been made with respect to the pending motion and opposition.
2. Applicant's original counsel withdrew from the opposition. Applicant recently retained new counsel after the filing of the Opposer's noted opposition. Applicant's new counsel and Opposer's counsel are actively engaged in settlement discussions. The parties are attempting to resolve all issues concerning the opposition and Opposer's assertions regarding a likelihood of confusion between

the parties' respective marks. Counsel require additional time to complete the settlement negotiations. The requested suspension should not impact the previously set opposition schedule as there is a pending and joined motion for extension of time, the outcome of which will be required to determine if the opposition schedule will be changed. The suspension period is as follows:

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Extended Deadline</u>
Opposed Motion For Ext. Of Time	Undetermined	May 6, 2015

3. The Opposer, through its counsel, Rebecca Younger, Esquire, has agreed to the suspension request set forth above, and has assented to this motion, accordingly.

WHEREFORE, Ali Baba prays that decision on the Motion for Extension of Time and Opposition be suspended, as set forth above.

Respectfully submitted,

Ali Baba Holding, LLC,

By its attorneys,

Dated: April 6, 2015

/s/ Mark D. Lorusso  
Mark D. Lorusso  
Reg. No. 41,955  
LORUSSO & ASSOCIATES  
PO Box 21915  
Portsmouth, NH 03801  
(603) 427-0070

**CERTIFICATE OF ELECTRONIC SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing ASSENTED TO MOTION TO SUSPEND PROCEEDINGS FOR SETTLEMENT has been served via email on the Opposer's counsel of record this 6<sup>th</sup> day of April, 2015:

Rebecca Younger, Esquire  
PIRKEY BARBER PLLC  
600 Congress Avenue, Suite 2120  
Austin, TX 78701

/s/ Mark D. Lorusso  
Mark D. Lorusso