

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

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Mailed: June 11, 2015

Opposition No. 91218468

Whole Foods Market IP, L.P.

v.

Ali Baba Holdings, LLC

Eric McWilliams, Supervisory Paralegal:

Applicant's consented motion (filed May 13, 2015) to suspend this proceeding for 60 days is noted.

A review of the file reveals that there is a pending motion dated December 9, 2014, for Applicant to extend its time to appoint new counsel in this case. The motion did not include proof of service, therefore, on January 20, 2015 the Board issued an order serving a copy of Applicant's motion, and on February 4, 2015, Opposer filed a response to the motion.

Inasmuch as Applicant has now appointed new counsel to represent himself and Opposer has consented to further suspensions of proceedings to facilitate the parties' settlement negotiations, the motion to extend dated December 9, 2014 is granted.

Because the parties are negotiating for a possible settlement of this case, proceedings are suspended up to, and including July 6, 2015, subject to the right of ei-

ther party to request resumption at any time. *See* Trademark Rules 2.117(c), and 2.127(a); and TBMP § 605.02.

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set forth below.

Applicant is allowed until August 6, 2015 in which to answer the notice of opposition. Conferencing, disclosure, discovery and trial dates are reset as follows:

Proceedings Resume	7/7/2015
Time to Answer	8/6/2015
Deadline for Discovery Conference	9/5/2015
Discovery Opens	9/5/2015
Initial Disclosures Due	10/5/2015
Expert Disclosures Due	2/2/2016
Discovery Closes	3/3/2016
Plaintiff's Pretrial Disclosures	4/17/2016
Plaintiff's 30-day Trial Period Ends	6/1/2016
Defendant's Pretrial Disclosures	6/16/2016
Defendant's 30-day Trial Period Ends	7/31/2016
Plaintiff's Rebuttal Disclosures	8/15/2016
Plaintiff's 15-day Rebuttal Period Ends	9/14/2016

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.¹

¹ If the parties are (or during the pendency of this proceeding become) parties to another proceeding involving the subject application/registration, the parties must notify the Board so the Board can consider whether consolidation or suspension of proceedings is appropriate.