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

Proceeding	91219109
Party	Defendant Cuttwood, LLC
Correspondence Address	JONATHAN W BROWN LIPSITZ GREEN SCIME CAMBRIA LLP 42 DELAWARE AVE, STE 120 BUFFALO, NY 14202 UNITED STATES ip@lglaw.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Jonathan W. Brown
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Date	01/04/2016
Attachments	Status Report and Consent Motion for Further Suspension of Proceedings.pdf(92407 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE**

**TRADEMARK TRIAL AND APPEAL BOARD**

*In re* Application No. 86/255,599  
Filed: April 17, 2014  
Published: July 1, 2014 in the Official Gazette  
For: **MONSTER MELONS**

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MONSTER ENERGY COMPANY,

Opposer,

v.

CUTTWOOD, LLC,

Applicant.

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Opposition No. 91219109

**STATUS REPORT AND CONSENT  
MOTION FOR FURTHER  
SUSPENSION OF PROCEEDINGS**

**STATUS REPORT AND CONSENT MOTION**

**FOR FURTHER SUSPENSION OF PROCEEDINGS**

Pursuant to 37 C.F.R. § 2.117(c), the parties hereby move jointly to extend by an additional thirty (30) days the suspension period extended by the board in a notification to the parties dated November 5, 2015. The requested continued suspension period would expire on February 1, 2016.

As set forth in the notification of November 5, 2015, the Board expects a report on the progress of the settlement negotiations between the parties. As set forth in the previous Consent Motion for Further Suspension of Proceedings dated November 3, 2015, the Applicant, Cuttwood, LLC, has engaged new counsel in this matter. Since the previous Consent Motion was filed, counsel for Applicant and Opposer have discussed the status of settlement, and have exchanged emails regarding the same. Counsel exchanged their last communication on December 23, 2015 concerning the status of the settlement agreement and at this time, a proposed draft form of settlement agreement is being considered by Opposer.

Given the above, the parties request a thirty (30) day suspension to allow Opposer to review the proposed agreement, with the hope that the parties can reach a mutually-agreeable version of settlement within the next thirty (30) days. Accordingly, the parties request that the Board reset the trial dates as follows:

Time to Answer : 02/01/2016  
Deadline for Discovery Conference : 03/02/2016  
Discovery Opens : 03/02/2016  
Initial Disclosures Due : 04/01/2016  
Expert Disclosure Due : 07/30/2016  
Discovery Closes : 08/29/2016  
Plaintiff's Pretrial Disclosures : 10/13/2016  
Plaintiff's 30-day Trial Period Ends : 11/27/2016  
Defendant's Pretrial Disclosures : 12/12/2016  
Defendant's 30-day Trial Period Ends : 01/26/2017  
Plaintiff's Rebuttal Disclosures : 02/10/2017  
Plaintiff's 15-day Rebuttal Period Ends : 03/12/2017

The parties are eager to resolve this matter expeditiously, and believe that resolution of the outstanding issues could be achieved by the end of the suspension period, if granted.

Dated: January 4, 2016

LIPSITZ GREEN SCIME CAMBRIA LLP

By: Jonathan W. Brown/  
Jonathan W. Brown, Esq.  
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**CERTIFICATE OF FILING AND SERVICE**

I, Jane Hauser, hereby certify that on January 4, 2016, I caused a true copy of the foregoing Status Report and Consent Motion for Further Suspension of Proceedings to be filed electronically with the United States Patent and Trademark Office via ESTTA, and served upon Opposer by depositing said copy with the United States Postal Service, U.S. First Class Mail, postage prepaid, in an envelope addressed to:

Jonathan Menkes, Esq.  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 Main Street, 14th Floor  
Irvine, CA 92614

Dated: January 4, 2016

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/Jane Hauser/  
Jane Hauser