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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
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Date	02/01/2016
Attachments	020116_Status_Report_and_Consent_Motion_for_Further_Suspension_of_Proceedings.PDF(92409 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**

MONSTER ENERGY COMPANY,

Opposer,

v.

CUTTWOOD, LLC,

Applicant.

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 January 20, 2016. The requested continued suspension period would expire on March 2, 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. Since the previous Consent Motion for Further Suspension of Proceedings dated January 4, 2016, counsel for Applicant and Opposer have discussed the status of settlement and have exchanged emails regarding the same. Counsel exchanged their last communication on January 28, 2016 concerning the status of the settlement agreement and at this time, amendments to the proposed draft form of settlement agreement are being considered by Opposer.

Given the above, the parties request a thirty (30) day suspension to allow Opposer to review the changes to 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 : 03/02/2016
Deadline for Discovery Conference : 04/01/2016
Discovery Opens : 04/01/2016
Initial Disclosures Due : 05/01/2016
Expert Disclosure Due : 08/29/2016
Discovery Closes : 08/29/2016
Plaintiff's Pretrial Disclosures : 11/12/2016
Plaintiff's 30-day Trial Period Ends : 12/27/2016
Defendant's Pretrial Disclosures : 01/11/2017
Defendant's 30-day Trial Period Ends : 02/27/2017
Plaintiff's Rebuttal Disclosures : 03/12/2017
Plaintiff's 15-day Rebuttal Period Ends : 04/11/2017

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: February 1, 2016

LIPSITZ GREEN SCIME CAMBRIA LLP

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

I, Jennifer Yates, hereby certify that on February 1, 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: February 1, 2016

/Jennifer Yates /
Jennifer Yates