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Filing date: **03/28/2016**

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

Proceeding	91219879
Party	Defendant Lane Bryant Purchasing Corp.
Correspondence Address	BRANDT GEBHARDT LANE BRYANT PURCHASING CORP 3344 MORSE XING COLUMBUS, OH 43219-3092 UNITED STATES brandt.gebhardt@ascenaretail.com, jennifer.earley@ascenaretail.com, ip@ascenaretail.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Brandt Gebhardt
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Signature	/Brandt Gebhardt/
Date	03/28/2016
Attachments	20160328 Joint Motion for Suspension for Settlement.pdf(90136 bytes)

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

In the Matter of Application Serial no. 86/210,322
For the mark: LIVI
Filed: March 4, 2014
Published: June 24, 2014

KELIN SRL,)	
)	
Opposer,)	
)	Opposition No. 91219879
v.)	
)	<u>JOINT MOTION FOR</u>
LANE BRYANT PURCHASING CORP.,)	<u>SUSPENSION FOR</u>
)	<u>SETTLEMENT</u>
Respondent.)	

The undersigned counsel to, respectively, Opposer KELIN Srl (“Kelin”) and Respondent Lane Bryant Purchasing Corp. (“Lane Bryant,” and together with Kelin, the “Parties,” and each a “Party”), believing the Parties to have reached agreement in principle to fully resolve this Opposition proceeding no. 91219879 (the “Opposition”), hereby jointly request that the Board suspend the Opposition for an additional thirty (30) days during which the Parties will consummate settlement.

On January 20, 2016, the Board granted a consented motion by Lane Bryant to suspend the Opposition, which extends Lane Bryant’s time to answer to March 26, 2016.¹ In granting this consented motion, the Board required that any further motions for extension or suspension be

¹ March 26 falling on a Saturday, Federal Rule of Civil Procedure 6(a)(1)(C) further extends Lane Bryant’s time to answer to March 28.

accompanied by a progress report that recites the issues that have been resolved, the issues that remain to be resolved and a firm timetable for resolution.

To meet this requirement, Counsel hereby jointly report:

- (a) That the Parties have agreed in principle to all terms and conditions by which Kelin will consent to Lane Bryant's use and registration of the applied-for mark in a manner the Parties believe is not likely to cause consumer confusion regarding Kelin's marks;
- (b) That, in substance, no issues remain to be resolved; and
- (c) That both Parties will proceed diligently to execute a written agreement that settles this dispute at their earliest opportunity and no later than April 11, 2016.

In view of the foregoing, the Parties jointly request that the Opposition be suspended for an additional thirty (30) days, with deadlines to be reset as follows:

Time to Answer :	04/27/2016
Deadline for Discovery Conference :	05/27/2016
Discovery Opens :	05/27/2016
Initial Disclosures Due :	06/26/2016
Expert Disclosures Due :	10/24/2016
Discovery Period to Close :	11/23/2016
Plaintiff Pretrial Disclosures :	01/07/2017
Plaintiff's 30-day Trial Period Ends :	02/21/2017
Defendant's Pretrial Disclosures :	03/08/2017
Defendant's 30-day Trial Period ends :	04/22/2017
Plaintiff's Rebuttal Disclosures :	05/07/2017
Plaintiff's 15-day Rebuttal Period Ends :	06/06/2017

Dated: March 28, 2016

Respectfully submitted,

/s/ Mark Lebow

Mark Lebow

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/s/ Brandt Gebhardt

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Attorney for Lane Bryant Purchasing Corp.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 28, 2016, he caused a true and correct copy of the foregoing Joint Motion for Suspension for Settlement to be served by United States First Class Mail, post prepaid, upon the following attorney of record for KELIN Srl:

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