

ESTTA Tracking number: **ESTTA674424**

Filing date: **05/27/2015**

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

Proceeding	91220460
Party	Defendant BROOKSHIRE GROCERY COMPANY
Correspondence Address	ELIZABETH K STANLEY BAKER BOTTS LLP 2001 ROSS AVE STE 600 DALLAS, TX 75201-2980 UNITED STATES paul.reilly@bakerbotts.com, tyler.beas@bakerbotts.com, daltm-dept@bakerbotts.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Paul J. Reilly
Filer's e-mail	paul.reilly@bakerbotts.com, tyler.beas@bakerbotts.com, cecily.porterfield@bakerbotts.com, daltmdept@bakerbotts.com
Signature	/Paul J. Reilly/
Date	05/27/2015
Attachments	BROOKSHIRE'S Opps - Consented Motion for Suspension.pdf(342392 bytes)

Pursuant to TBMP § 510.03(a), 37 C.F.R. § 2.117(c), and subject to the approval of the Trademark Trial and Appeal Board, Applicant Brookshire Grocery Company with the consent of Opposer Brookshire Brothers, Inc. moves to suspend the subject consolidated Oppositions referenced-above for good cause for 90 days to allow the parties to continue their settlement discussions. Opposer’s counsel, in an email dated May 22, 2015, consented to suspending the proceedings for 90 days.

The current matter is complex and detailed, involving five (5) separate, albeit consolidated Oppositions concerning multiple marks. The Parties are currently engaged in settlement discussions, a draft agreement has been prepared and submitted to counsel for Opposer, and the Parties have already undertaken preliminary discussions concerning discovery. Lead counsel for each of the parties is traveling over the course of the next week which also hinders their ability to hold the conference. In light of these facts, the Parties assert that additional time is required to carry on their settlement negotiations. Suspension would also save time, effort, and expense for the Board and both Parties, and will not cause any prejudice or inconvenience to either party as both Parties are filing and approve of this Motion.

As such, the Parties request that the Board set the new trial and discovery deadlines as follows:

Time to Answer	CLOSED
Deadline for Discovery Conference	8/31/2015
Discovery Opens	8/31/2015
Initial Disclosures Due	9/30/2015
Expert Disclosures Due	1/29/2016
Discovery Closes	2/29/2016
Plaintiff’s Pretrial Disclosures	4/11/2016
Plaintiff’s 30-day Trial Period Ends	5/26/2016

Defendant's Pretrial Disclosures	6/10/2016
Defendant's 30-day Trial Period Ends	7/25/2016
Plaintiff's Rebuttal Disclosures	8/9/2016
Plaintiff's 15-day Rebuttal Period Ends	9/8/2016

WHEREFORE, in view of the foregoing, the Applicant with Opposer's consent respectfully requests that the Board issue an Order granting suspension of the above-referenced proceedings for 90 days and re-setting the current discovery and trial dates as set forth above.

Respectfully submitted,

BAKER BOTTS LLP

By: _____

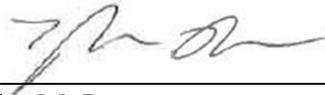
Dated: May 27th, 2015

Paul J. Reilly
Elizabeth K. Stanley
Tyler M. Beas
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
Telephone No. (214) 953-6849
Facsimile No. (214) 661-4849

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 2015, I served, via email and Federal Express overnight courier, a true and correct copy of the foregoing MOTION ON CONSENT TO SUSPEND PROCEEDINGS to:

J. Daniel Harkins, Esq.
DYKEMA COX SMITH
112 East Pecan Street, Suite 1800
San Antonio, TX 78205
dharkins@dykema.com



Tyler M. Beas