

ESTTA Tracking number: **ESTTA763126**

Filing date: **08/08/2016**

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

Proceeding	91226778
Party	Plaintiff Whole Foods Market IP, L.P.
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Submission	Motion to Suspend for Settlement Discussions
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Signature	/EMS/
Date	08/08/2016
Attachments	Motion for Suspension for Settlement with Consent.pdf(13260 bytes)

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

In Re Serial No. 86/666,613	§	
Filed: June 18, 2015	§	
Mark: AVO365	§	
Published: November 10, 2015	§	
	§	
Whole Foods Market IP, L.P.,	§	
	§	Opposition No. 91226778
Opposer,	§	
	§	
v.	§	
	§	
Joseph Rocha,	§	
	§	
Applicant.	§	

MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

Opposer Whole Foods Market IP, L.P. hereby submits this Motion for Suspension for Settlement with Consent. The parties are continuing to finalize a written settlement agreement and request that the proceeding be suspended up to and including September 7, 2016 and case deadlines be extended thirty (30) days as listed below:

Time to Answer:	CLOSED
Deadline for Discovery Conference:	CLOSED
Discovery Opens:	CLOSED
Initial Disclosures Due:	09/07/2016
Expert Disclosures Due:	01/04/2017
Discovery Period to Close:	02/03/2017
Plaintiff Pretrial Disclosures:	03/20/2017
Plaintiff's 30-day Trial Period Ends:	05/04/2017
Defendant's Pretrial Disclosures:	05/19/2017
Defendant's 30-day Trial Period Ends:	07/03/2017
Plaintiff's Rebuttal Disclosures:	07/18/2017
Plaintiff's 15-day Rebuttal Period Ends:	08/17/2017

The grounds for this request are as follows: Parties are engaged in settlement discussions.

A draft of the written settlement agreement has been prepared and the parties are in the process of finalizing some of the finer points of its terms. The parties request a thirty (30) day extension of the deadlines.

Whole Foods Market IP, L.P. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein. Whole Foods Market IP, L.P. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Date: August 8, 2016

Respectfully submitted,

/Elizabeth M. Stafki/

Wendy C. Larson

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ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT was served via first-class mail, postage prepaid, on August 8, 2016 on Applicant's attorney of record at the address below:

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/Elizabeth M. Stafki/
