

ESTTA Tracking number: **ESTTA771173**

Filing date: **09/16/2016**

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

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|------------------------|---|
| Proceeding | 92056497 |
| Party | Plaintiff Gerawan Farming, Inc. |
| Correspondence Address | JILL M PIETRINI SHEPPARD MULLIN RICHTER & HAMPTON LLP 1901 AVENUE OF THE STARS, SUITE 1600 LOS ANGELES, CA 90067-6017 UNITED STATES jpietrini@smrh.com, ppost@smrh.com, mdanner@smrh.com, rludson@smrh.com |
| Submission | Stipulated/Consent Motion to Extend |
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| Signature | /Paul A. Bost/ |
| Date | 09/16/2016 |
| Attachments | 479253415_1.pdf(104068 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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| <p><i>In re Matter of Reg. No. 3,334,633 for the mark PRIMA FRUTTA</i></p> <p>Gerawan Farming, Inc.,</p> <p style="padding-left: 40px;">Petitioner and Counter-Defendant,</p> <p style="text-align: center;">vs.</p> <p>A. Sambado & Son, Inc.,</p> <p style="padding-left: 40px;">Registrant and Counterclaimant.</p> | <p>Cancellation No. 92-056497</p> <p>PETITIONER AND COUNTER-DEFENDANT GERAWAN FARMING, INC.'S CONSENTED MOTION TO EXTEND ALL DEADLINES IN THE PROCEEDING FOR 30 DAYS</p> |
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Petitioner and Counter-Defendant Gerawan Farming, Inc. (“Petitioner”), by and through its counsel, hereby moves the Board to extend the deadlines in these proceedings for 30 days, such that the deadlines are rescheduled as set forth below. Registrant and Counterclaimant A. Sambado & Son, Inc. (“Registrant”), by and through its counsel, has expressly consented to Petitioner’s motion:

| Deadline | Date |
|--|-------------------|
| Discovery Closes | October 17, 2016 |
| Petitioner’s Pretrial Disclosures Due | November 30, 2016 |
| 30-day testimony period for Petitioner’s testimony to close | January 13, 2017 |
| Registrant/Counterclaimant Pretrial Disclosures Due | January 29, 2017 |
| 30-day testimony period for Registrant/Counterclaimant to close | March 14, 2017 |
| Counter-Defendant’s and Petitioner’s Rebuttal Disclosures Due | March 29, 2017 |
| 30-day testimony period for Counter-Defendant and rebuttal testimony for Petitioner to close | May 15, 2017 |
| Counterclaimant’s Rebuttal Disclosures Due | May 29, 2017 |
| 15-day rebuttal period for Counterclaimant | June 29, 2017 |

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| to close | |
| Brief for Petitioner due | August 27, 2017 |
| Brief for Registrant and Counterclaimant due | September 27, 2017 |
| Brief for Counter-Defendant and reply brief, if any, for Petitioner due | October 26, 2017 |
| Reply brief, if any, for Counterclaimant due | November 8, 2017 |

Status of Settlement Negotiations

The parties have agreed to enter a coexistence agreement. Registrant proposed terms for coexistence, and, on October 14, 2015 and after a phone call between the parties' counsels to discuss settlement, Petitioner reverted with its proposed terms of settlement. On June 29, 2016, Registrant responded with revised proposed terms of settlement. Petitioner responded on July 5, 2016 to discuss two issues posed by Registrant's revised terms of settlement. The parties subsequently discussed these two issues, culminating with Registrant's proposal of revised terms of settlement on August 2, 2016. Petitioner responded to Registrant's most recent proposal on August 19, 2016. Registrant has informed Petitioner that its response to Petitioner has been delayed due to summer vacation schedules but that it will be communicated to Petitioner shortly and that the parties are close to a final agreement in principle.

Firm Timetable for Resolution

The parties are hopeful that their agreement should be finalized in the next 30 days.

* * *

Accordingly, for the reasons stated above, Petitioner, with the express consent of Registrant, seeks a 30-day extension of all deadlines in this case.

Respectfully submitted,

Dated: September 16, 2016

/s/Jill M. Pietrini
 Jill M. Pietrini
 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
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CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically to Commissioner of Trademarks, Attn: Trademark Trial and Appeal Board through ESTTA pursuant to 37 C.F.R. §2.195(a), on this 16th day of September, 2016.

/s/Paul A. Bost
Paul A. Bost

CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Thomas A. Dirksen
4607 Lakeview Canyon Road, Suite 117
Westlake Village, CA 91361

on this 16th day of September, 2016.

/s/Brenda Smith
Brenda Smith

SMRH:479253415.1