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

Proceeding	92056497
Party	Plaintiff Gerawan Farming, Inc.
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Submission	Stipulated/Consent Motion to Extend
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Date	10/17/2016
Attachments	479527243_1.pdf(103812 bytes)

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

<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	November 16, 2016
Petitioner’s Pretrial Disclosures Due	December 30, 2016
30-day testimony period for Petitioner’s testimony to close	February 12, 2017
Registrant/Counterclaimant Pretrial Disclosures Due	February 28, 2017
30-day testimony period for Registrant/Counterclaimant to close	April 13, 2017
Counter-Defendant’s and Petitioner’s Rebuttal Disclosures Due	April 28, 2017
30-day testimony period for Counter-Defendant and rebuttal testimony for Petitioner to close	June 14, 2017
Counterclaimant’s Rebuttal Disclosures Due	June 28, 2017
15-day rebuttal period for Counterclaimant	July 29, 2017

to close	
Brief for Petitioner due	September 26, 2017
Brief for Registrant and Counterclaimant due	October 27, 2017
Brief for Counter-Defendant and reply brief, if any, for Petitioner due	November 25, 2017
Reply brief, if any, for Counterclaimant due	December 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. On October 17, 2016, Registrant responded to Petitioner, which response eliminated all but a couple of remaining issues.

Firm Timetable for Resolution

The parties are optimistic 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: October 17, 2016

/s/Jill M. Pietrini
 Jill M. Pietrini
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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 17th day of October, 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 17th day of October, 2016.

/s/Brenda Smith
Brenda Smith

SMRH:479253415.1