

ESTTA Tracking number: **ESTTA611232**

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

Proceeding	92056609
Party	Plaintiff Comvita Limited
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

COMVITA LIMITED,)	
)	
Petitioner;	)	Cancellation No.92/056,609
)	
	)	Mark: MANUKALOZENGES
	)	Registration No. 4,211,756
v.	)	Registered: September 18, 2012
)	
	)	Mark: MANUKACAPS
	)	Registration No. 4,211,757
MANUKAMED LIMITED,	)	Registered: September 18, 2012
)	
	)	Mark: MANUKABALM
	)	Registration No. 4,211,761
Respondent.	)	Registered: September 18, 2012
)	
)	

MOTION TO SUSPEND PROCEEDINGS AND RESET DATES

Petitioner Comvita Limited requests a further 60-day suspension of the proceedings to allow the parties additional time to continue their positive settlement efforts.

The suspension is requested so that Petitioner can work with Respondent to finalize settlement of this cancellation action. In compliance with the Board’s January 30, 2014 Order, Petitioner presents the following report on progress of the ongoing settlement negotiations.

1. The parties have reached a settlement agreement in principle.
2. Petitioner forwarded a written proposed settlement agreement to Respondent on June 20, 2014 and requested a consent to a further suspension of the proceedings in order

to allow time for Respondent to review the proposed settlement agreement so that the parties may finalize the agreement and settle the action.

3. Despite receiving a written proposed settlement agreement based on terms already agreed upon by the parties, Respondent declined Petitioner's request for consent to a further suspension. Respondent further stated that they are considering Petitioner's proposed settlement agreement.

In light of the above, Petitioner believes that the parties are very close to a settlement of the subject action and expects that the parties will reach a final resolution by August 19, 2014. Petitioner therefore requests a suspension of this proceeding until August 19, 2014, and a corresponding reset of discovery and testimony dates, to allow the parties to finalize the details of the settlement agreement..

Given the information set forth above, Petitioner requests that the deadlines for the initial disclosures, the expert disclosures, and all subsequent deadlines be reset as follows:

Time to Answer:	CLOSED
Deadline for Discovery Conference:	CLOSED
Discovery Opens:	CLOSED
Initial Disclosures Due:	7/20/2014
Expert Disclosures Due:	11/16/2014
Discovery Closes:	12/16/2015
Petitioner's Pretrial Disclosures Due:	1/30/2015
Petitioner's 30-day Trial Period Ends:	3/16/2015
Respondent's Pretrial Disclosures Due:	3/31/2015

Respondent's 30-day Trial Period Ends: 5/15/2015

Petitioner's Rebuttal Disclosures Due: 5/30/2015

Petitioner's 15-day Rebuttal Period Ends: 6/29/2015

In the alternative, if the Board denies Petitioner's Motion for Suspension, then Petitioner requests that the Board extend the discovery period for a reasonable time as it deems fit.

Respectfully submitted,

KIM WINSTON LLP

Dated: June 20, 2014

By /Laura J. Winston/
Laura J. Winston

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CERTIFICATE OF SERVICE

_____ I hereby certify that a true and correct copy of the foregoing Consented Motion to Suspend Proceedings and Reset Dates has been served on Respondent ManukaMed Limited at its email address of record this 20th day of June, 2014.

/Laura J. Winston/

Laura J. Winston