

ESTTA Tracking number: **ESTTA637218**

Filing date: **11/05/2014**

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

Proceeding	92057462
Party	Plaintiff CytoSport, Inc.
Correspondence Address	ERIC E WESTERBERG THORPE NORTH & WESTERN LLP 8180 SOUTH 700 EAST SUITE 350 SANDY, UT 84070 UNITED STATES Eric.westerberg@tnw.com, kelley.warner@tnw.com, docket@tnw.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Eric E. Westerberg
Filer's e-mail	eric.westerberg@tnw.com, docket@tnw.com, kelley.warner@tnw.com
Signature	/Eric E. Westerberg/
Date	11/05/2014
Attachments	Evolv motion to suspend.pdf(10580 bytes)

Peter M. de Jonge
Jed H. Hansen
Eric E. Westerberg
THORPE NORTH & WESTERN, LLP
8180 South 700 East, Suite 350
Sandy, Utah 84070
Telephone: (801)566-6633
Facsimile: (801)566-0750

Attorneys for Petitioner, CytoSport, Inc.
Opposed Mark: EVO2LV
U.S. Trademark Registration Serial Number 3,842,462

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

CytoSport, Inc. Petitioner, v. Evolv Health, LLC, Respondent.	Cancellation No. 92057462
---	---------------------------

STIPULATED MOTION TO SUSPEND PROCEEDINGS

Petitioner CytoSport, Inc. and Respondent Evolv Health, LLC by and through their attorneys, hereby stipulate to suspend the above captioned case for a time period of 60 days. The parties have agreed to the 60 day suspension in order to give the parties sufficient time to discuss a potential settlement agreement. If granted, the new deadlines will be as follows:

Time to Answer:	CLOSED
Deadline for Discovery Conference:	CLOSED
Discovery Opens:	CLOSED
Initial Disclosures Due:	01/04/2015
Expert Disclosures Due:	05/06/2015
Discovery Period to Close:	06/05/2015
Plaintiff Pretrial Disclosures:	07/20/2015
Plaintiff's 30-day Trial Period Ends:	09/03/2015
Defendant's Pretrial Disclosures:	09/18/2015

Defendant's 30-day Trial Period Ends: 11/02/2015
Plaintiff's Rebuttal Disclosures: 11/17/2015
Plaintiff's 15-day Rebuttal Period Ends: 12/17/2015

DATED this 5th day of November, 2014

Respectfully submitted,

THORPE NORTH & WESTERN, LLP

/Eric E. Westerberg/

Peter M. de Jonge

Jed H. Hansen

Eric E. Westerberg

Attorneys for Petitioner, CytoSport, Inc.

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

*/Geordie Zug/ (Signed for by filing attorney
with permission from Applicant's attorney)*

Geordie Zug

Attorney for Applicant, Evolv Health, LLC,

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Stipulated Motion to Suspend Proceedings** was served upon the Applicant at the following by the methods indicated below:

Geordie Zug
**NELSON MULLINS RILEY &
SCARBOROUGH LLP**
Meridian, 17th Floor
1320 Main Street, Columbia, SC 29201
geordie.zug@nelsonmullins.com

- Electronic Mail
- United States Mail, First Class
- Overnight Delivery
- Fax Transmission

DATED this 5th day of November, 2014.

/Kelley Warner/
Kelley Warner