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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 Westerberg
Filer's e-mail	eric.westerberg@tnw.com, docket@tnw.com, kelley.warner@tnw.com
Signature	/Eric Westerberg/
Date	01/05/2015
Attachments	suspension .PDF(84817 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.*

Mark: EVO2LV  
U.S. Trademark Registration 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
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**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 :	03/06/2015
Expert Disclosures Due :	07/05/2015
Discovery Period to Close :	08/04/2015

Plaintiff Pretrial Disclosures : 09/18/2015  
Plaintiff's 30-day Trial Period Ends : 11/02/2015  
Defendant's Pretrial Disclosures : 11/17/2015  
Defendant's 30-day Trial Period ends : 01/01/2016  
Plaintiff's Rebuttal Disclosures : 01/16/2016  
Plaintiff's 15-day Rebuttal Period Ends : 02/15/2016

DATED this 5<sup>th</sup> day of January, 2015.

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 Respondent's attorney)*

Geordie Zug

*Attorney for Respondent, 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 5<sup>th</sup> day of January, 2015.

/Kelley Warner/  
Kelley Warner