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Filing date: **11/02/2015**

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

Proceeding	92057462
Party	Defendant Evolv Health, LLC
Correspondence Address	CHARLES G ZUG NELSON MULLINS RILEY & SCARBOROUGH LLP 1320 MAIN STREET 17TH FLOOR COLUMBIA, SC 29201 UNITED STATES geordie.zug@nelsonmullins.com,ip@nelsonmullins.com
Submission	Motion to Suspend for Settlement Discussions
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Signature	/Charles G. Zug/
Date	11/02/2015
Attachments	EVO2LV - Consent Suspension Motion - 2 November 2015.pdf(40547 bytes)

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

CytoSport, Inc.)	
)	
Petitioner/Plaintiff,)	Cancellation No.: 92057462
)	
v.)	Registration No.: 3,842,462
)	
Evolv Health, LLC)	Mark: EVO2LV & design
)	
Respondent/Defendant.)	

Motion for Suspension for Settlement With Consent

Petitioner CytoSport, Inc. and Respondent Evolv Health, LLC are engaged in negotiations for the settlement of this matter. Evolv Health, LLC requests that this proceeding be suspended for 60 days to allow the parties to continue their settlement efforts.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	01/01/2016
Expert Disclosures Due :	04/30/2016
Discovery Period to Close :	05/30/2016
Plaintiff Pretrial Disclosures :	07/14/2016
Plaintiff's 30-day Trial Period Ends :	08/28/2016
Defendant's Pretrial Disclosures :	09/12/2016
Defendant's 30-day Trial Period ends :	10/27/2016
Plaintiff's Rebuttal Disclosures :	11/11/2016
Plaintiff's 15-day Rebuttal Period Ends :	12/11/2016

Evolv Health, LLC has secured the express consent of Petitioner CytoSport, Inc. for the extension and resetting of dates requested herein.

Evolv Health, LLC has provided an e-mail address herewith for itself and for Petitioner CytoSport, Inc. so that any order on this motion may be issued electronically by the Board.

Respectfully submitted:

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

By: /Charles G. Zug/

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Attorneys for Respondent/Defendant Evolv Health, LLC

Columbia, South Carolina

November 2, 2015

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Motion for Suspension for Settlement With Consent** has been served on CytoSport, Inc., by causing such copy to be e-mailed (e-mail service being agreed by the parties), on November 2, 2015 to the attorney of record for Petitioner/Plaintiff CytoSport, Inc.:

Eric E. Westerberg, Esq.
Thorpe North & Western LLP

Email: eric.westerberg@tnw.com, kelley.warner@tnw.com,
docket@tnw.com

Dated: November 2, 2015

/Charles G. Zug/

Charles G. Zug