

ESTTA Tracking number: **ESTTA477491**

Filing date: **06/12/2012**

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

Proceeding	91183677
Party	Plaintiff Foodarama Incorporated
Correspondence Address	SCOTT W. JOHNSON MERCHANT & GOULD P.C. PO BOX 2910 MINNEAPOLIS, MN 55402-0910 UNITED STATES SJohnston@merchantgould.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Scott W. Johnston
Filer's e-mail	sjohnston@merchantgould.com, slindemeier@merchantgould.com
Signature	/SWJ/
Date	06/12/2012
Attachments	2012 06 12 Stipulation Re Suspension of Proceedings 91183677.DOC.PDF ( 3 pages )(107607 bytes )

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

Foodarama, LLC,	)	Opposition No. 91183677
	)	
Opposer,	)	Mark: <b>METRO CASH&amp;CARRY</b>
	)	
v.	)	Serial No.: 78/632,210
	)	
MIP Metro Group Intellectual Property	)	Filing Date: May 18, 2005
GmbH & Co. KG,	)	
Applicant.	)	Published: October 23, 2007
	)	

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**STIPULATION REGARDING SUSPENSION OF PROCEEDINGS**

It is hereby stipulated by and between the parties, the Trademark Trial and Appeal Board consenting thereto, that the above-referenced opposition proceeding be suspended 180 days in order to allow the parties to continue to focus on settlement.

The parties request the current suspension given that they have been involved in settlement discussions in the hopes of resolving the matter without the need to litigate it before the Board. Each side has made proposals, but the parties have been unable to reach an agreement. Opposer has also recently requested some additional information from Applicant. Additional time is necessary for Applicant to obtain the information and for Opposer to consider it. The proposed schedule is as follows:

Expert Disclosures Due:	November 9, 2012
Discovery Period to Close:	December 9, 2012
Plaintiff Pretrial Disclosures:	January 23, 2013
Plaintiff's 30-day Trial Period Ends:	March 9, 2013
Defendant/Counterclaim Plaintiff's Pretrial Disclosures:	March 24, 2013

30-day Trial Period for Defendant and Plaintiff in the Counterclaim:	May 8, 2013
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due:	May 23, 2013
30-day Trial Period for Counterclaim Defendant and Rebuttal Testimony as Plaintiff Ends:	July 7, 2013
Counterclaim Plaintiff's Rebuttal Disclosures Due:	July 22, 2013
15-day Rebuttal Period for Counterclaim Plaintiff Ends:	August 21, 2013
Plaintiff's Trial Brief Due:	October 20, 2013
Defendant's Trial Brief and Plaintiff in the Counterclaim Due:	November 19, 2013
Brief for Defendant in the Counterclaim and Reply Brief, if any, for Plaintiff Due:	December 19, 2013
Reply Brief, if any, for Plaintiff in the Counterclaim Due:	January 3, 2014

Respectfully submitted,

FOODARAMA, LLC

By its Attorneys,



Scott W. Johnston  
 MERCHANT & GOULD P.C.  
 80 South Eighth Street, Suite 3200  
 Minneapolis, Minnesota 55402-2215  
 (612) 332-5300

Date: 6-12-12

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing STIPULATION REGARDING SUSPENSION OF PROCEEDINGS was served upon the following attorney of record for Applicant by First Class Mail, postage pre-paid, this 12th day of June, 2012:

Mark H. Tidman  
Baker & Hostetler LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5304

  
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Scott W. Johnston