

ESTTA Tracking number: **ESTTA364385**

Filing date: **08/22/2010**

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

Proceeding	91187963
Party	Plaintiff Chocoladefabriken Lindt & Sprungli AG
Correspondence Address	CHRISTOPHER C. MACKEY MAYER BROWN LLP P.O. BOX 2828 CHICAGO, IL 60690-2828 UNITED STATES cmackey@mayerbrown.com, ipdocket@mayerbrown.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Christopher C. Mackey
Filer's e-mail	cmackey@mayerbrown.com, ipdocket@mayerbrown.com
Signature	/CCM/
Date	08/22/2010
Attachments	INTENSE DARK Stipulated Motion to Suspend(2).pdf (3 pages)(12280 bytes)

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

-----:
Chocoladefabriken Lindt & Sprungli AG, :
Opposer—Plaintiff, :

vs. :

Karlo Flores, :

Applicant—Defendant. :
-----:

Opposition No. 91187963

Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

JOINT STIPULATED MOTION TO SUSPEND FOR SETTLEMENT

Opposer, Chocoladefabriken Lindt & Sprungli AG, by and through its attorneys hereby requests that this proceeding be suspended for thirty (30) days to allow Opposer and Applicant (collectively, “the Parties”) to continue their settlement efforts. If granted, this motion would reset the respective dates as follows:

Expert disclosures due:	11/03/2010
Discovery period to close:	12/03/2010
Plaintiff pretrial disclosures:	01/17/2011
Plaintiff’s 30-day trial period ends:	03/03/2011
Defendant’s pretrial disclosures:	03/18/2011
Defendant’s 30-day trial period ends:	05/02/2011
Plaintiff’s rebuttal disclosures:	05/17/2011
Plaintiff’s 15-day rebuttal period ends:	06/16/2011

This request is not made for the purpose of unduly delaying proceedings in the Patent and Trademark Office. The Parties have exchanged draft settlement agreements and are currently working with their respective counsel to finalize acceptable terms for the resolution of this matter. Accordingly, the Parties jointly represent that an additional thirty-day suspension is warranted and necessary, given that the Parties are international businesses, to allow for the amicable resolution of these proceedings. The Parties believe that the aforementioned circumstances constitute good cause for this request. Counsel for Applicant Karlo Flores has expressly consented to this request.

An order granting this motion is respectfully requested.

Respectfully submitted,

Dated: August 22, 2010

By: _____ /CCM/
Christopher C. Mackey
Mayer Brown LLP
P.O. Box 2828
Chicago, IL 60690-2828
Telephone: (312) 701-8755
cmackey@mayerbrown.com

*Attorney for Opposer
Chocoladefabriken Lindt & Sprungli*

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties at their address of record by email (by agreement with counsel) on this date.

Dated: August 22, 2010

By: /CCM/
Christopher C. Mackey
Mayer Brown LLP
P.O. Box 2828
Chicago, IL 60690-2828
Telephone: (312) 701-8755
cmackey@mayerbrown.com

Attorney for Opposer
Chocoladefabriken Lindt & Sprungli