

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: December 5, 2011

Opposition No. 91201165

Kashi Company

v.

The Fresh Market, Inc.

Amy Matelski, Paralegal Specialist:

Applicant's consented motion to further suspend proceeding filed November 29, 2011 is noted.

Because the parties are negotiating for a possible settlement of this case, proceedings herein are suspended until March 5, 2012, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume on March 6, 2012 without further notice or order from the Board, upon the schedule set out below.

Applicant is allowed until April 6, 2012 in which to answer the notice of opposition. Conferencing, disclosure, discovery and trial dates are reset as follows:

Time to Answer	4/6/12
Deadline for Discovery Conference	5/6/12
Discovery Opens	5/6/12
Initial Disclosures Due	6/5/12
Expert Disclosures Due	10/3/12
Discovery Closes	11/2/12
Plaintiff's Pretrial Disclosures	12/17/12
Plaintiff's 30-day Trial Period Ends	1/31/13
Defendant's Pretrial Disclosures	2/15/13
Defendant's 30-day Trial Period Ends	4/1/13
Plaintiff's Rebuttal Disclosures	4/16/13
Plaintiff's 15-day Rebuttal Period Ends	5/16/13

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.