

ESTTA Tracking number: **ESTTA537456**

Filing date: **05/13/2013**

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

Proceeding	91210232
Party	Defendant S&D Coffee, Inc.
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Date	05/13/2013
Attachments	WINSTON- #7767534-v1-S&D_Coffee__SOJC__Consent_Motion_to_Suspend.pdf(1625 3 bytes)

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

**In the Matter of Application Serial No. 85/536854
Filed on February 8, 2012
For the Mark: SIMPLY TEA**

SIMPLY ORANGE JUICE COMPANY,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91210232
)	
S&D COFFEE, INC.,)	
)	
Applicant.)	

CONSENT MOTION TO SUSPEND

Pursuant to TBMP §510.03(a) and 37 C.F.R. §2.117(c), Applicant S&D Coffee, Inc. respectfully requests a six (6) month suspension of the above-captioned opposition in order to facilitate settlement discussions. The parties have actively engaged in settlement negotiations and desire additional time to pursue settlement. Applicant has not filed an answer. Opposer consents to this Motion. The proposed schedule under this suspension request is as follows:

Time to Answer:	11/25/2013
Deadline for Discovery Conference	12/24/2013
Discovery Opens	12/24/2014
Initial Disclosures Due :	01/24/2014
Expert Disclosures Due :	05/21/2014
Discovery Period to Close :	06/21/2014
Plaintiff Pretrial Disclosures :	08/04/2014
Plaintiff's 30-day Trial Period Ends :	09/21/2014
Defendant's Pretrial Disclosures :	10/05/2014
Defendant's 30-day Trial Period ends :	11/20/2014
Plaintiff's Rebuttal Disclosures :	12/04/2014
Plaintiff's 15-day Rebuttal Period Ends :	01/04/2015

Since this motion is brought for good cause to promote settlement discussions and not for delay, Applicant respectfully requests that the suspension be granted.

This 13th day of May, 2013.

Respectfully submitted,

/s/ Jacob S. Wharton

Jack B. Hicks

Jacob S. Wharton

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Attorneys for Applicant S&Coffee, Inc.

CERTIFICATE OF MAILING

I do hereby certify that on May 13, 2013, I filed via electronic means (ESTTA) this CONSENT MOTION TO SUSPEND with the:

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

/s/ Victoria Sharpe
Victoria Sharpe

CERTIFICATE OF SERVICE

I do hereby certify that on May 13, 2013, I served Opposer with a true and correct copy of this CONSENT MOTION TO SUSPEND via email, pursuant to agreement with Applicant's counsel, at the following email address: ebrown@kslaw.com.

/s/ Victoria Sharpe
Victoria Sharpe