ESTTA Tracking number: **ESTTA863713**

Filing date: **12/11/2017**

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

Proceeding	91213620
Party	Defendant Benecke-Kaliko AG
Correspondence Address	JOHN W MCGLYNN RATNERPRESTIA PO BOX 980 VALLEY FORGE, PA 19482 UNITED STATES Email: jwmcglynn@justice.com, tmde@ratnerprestia.com, jwm-cglynn@ratnerprestia.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	John W. McGlynn
Filer's email	TMDE@ratnerprestia.com
Signature	/jwm/
Date	12/11/2017
Attachments	Motion for Suspension.pdf(42400 bytes)

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

Proceeding.	91213620
Applicant	Defendant Benecke-Kaliko AG
Other Party	Plaintiff British Knights N.A. LLC
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	No

Motion for Suspension for Settlement With Consent

The parties are actively engaged in negotiations for the settlement of this matter. Benecke-Kaliko AG requests that this proceeding be suspended for 90 days to allow the parties to continue their settlement efforts.

Time to Answer :	03/10/2018
Deadline for Discovery Conference :	04/09/2018
Discovery Opens :	04/09/2018
Initial Disclosures Due :	05/09/2018
Expert Disclosure Due :	09/06/2018
Discovery Closes :	10/06/2018
Plaintiff's Pretrial Disclosures :	11/20/2018
Plaintiff's 30-day Trial Period Ends :	01/04/2019
Defendant's Pretrial Disclosures :	01/19/2019
Defendant's 30-day Trial Period Ends :	03/05/2019
Plaintiff's Rebuttal Disclosures :	03/20/2019
Plaintiff's 15-day Rebuttal Period Ends :	04/19/2019

The grounds for this request are as follows:

This request is made in good faith and is not for the purpose of mere delay. The parties have negotiated core terms regarding the subject application and settlement of this matter. A draft settlement agreement and revisions have been exchanged, with the most recent revision exchanged on June 14, 2017. The parties expect to reach a final settlement agreement in this case once the issues still being discussed are resolved. Since exchanging the initial draft settlement agreement, the parties have negotiated in good faith to reach a settlement that will resolve the issues so that there is no need to proceed with the opposition proceeding. The suspension is needed for Opposer to consider Applicant's latest

proposed revisions to the draft settlement agreement. Recall that Opposer engaged new counsel to represent it in this proceeding earlier this year.

Benecke-Kaliko AG has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Benecke-Kaliko AG has provided an email address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

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 First Class Mail or Priority Mail Express on this date.

The Commissioner is hereby authorized at any time to charge any fees required, or credit any overpayment, to Deposit Account No. 18-0350.

Respectfully submitted,

By: /jwm/
John W. McGlynn

Dated: December 11, 2017