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

Proceeding	91215191
Party	Defendant Angie's Artisan Treats, LLC
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Submission	Motion to Suspend for Settlement Discussions
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Date	06/02/2015
Attachments	consentmotion.pdf(141381 bytes)

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

FRITO-LAY NORTH AMERICA, INC.

and

SMARTFOODS, INC.,

Opposers,

v.

ANGIE'S ARTISAN TREATS, LLC,

Applicant.

In the Matter of Application
Serial No. 85741397 for the mark
CLASSIC SWEET & SALTY

Published in the Official Gazette
on September 3, 2013

Opposition No. 91215191

MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

A. All Parties Consent to Suspension for Settlement Discussions.

The parties are actively engaged in negotiations for the settlement of this matter. Angie's Artisan Treats, LLC, request that this proceeding be suspend for 60 days to allow the parties to continue their settlement efforts.

Time to Answer :	08/02/2015
Deadline for Discovery Conference :	09/01/2015
Discovery Opens :	09/01/2015
Initial Disclosures Due :	10/01/2015
Expert Disclosures Due :	01/29/2016
Discovery Period to Close :	02/28/2016
Plaintiff Pretrial Disclosures :	04/13/2016

Plaintiff's 30-day Trial Period Ends :	05/28/2016
Defendant's Pretrial Disclosures :	06/12/2016
Defendant's 30-day Trial Period ends :	07/27/2016
Plaintiff's Rebuttal Disclosures :	08/11/2016
Plaintiff's 15-day Rebuttal Period Ends :	09/10/2016

B. There is Good Cause for the Suspension.

Since the Opponents filed this proceeding, the parties have been engaged in discussions regarding a proposed settlement agreement that would result in the disposition of the dispute (and the eventual dismissal of the pending Opposition). To the end, the parties have discussed the matter several times and have exchanged draft settlement agreements:

- On May 5, 2014, counsel for the Opponents provided a draft Settlement Agreement to Applicant.
- On July 10, 2014, counsel for the Applicant sent a revised draft of the Agreement.
- On September 25, 2014, counsel for the Opponents provided a written response to the Applicant's proposed revision.
- On November 14, 2015, counsel for the Applicant sent a further revised draft of the Agreement.
- Early in 2015, the Applicant substituted new counsel. The Applicant's new counsel and Opponents' counsel had some discussions regarding the matter.
- On May 5, 2015, the Applicant substituted back its original counsel. On May 25, 2015, counsel had an updated discussion regarding their settlement positions. Counsel for Opponents has not changed its position since its last draft, while counsel for the Applicant still has some concerns regarding that draft.
- Notwithstanding the foregoing, Counsel for the Applicant has made some additional revisions to the Agreement, is waiting for Applicant's approval of those changes, and expects to provide a revised draft of the Agreement to Opponents in early June 2015.

Despite the length of time that has passed, the parties have made progress toward a potential settlement. The issues that remain are narrow, and the parties expect that, if an agreement can be reached, they will finalize such agreement in a reasonable amount of time. This suspension is necessary to enable the parties to continue and/or complete their settlement discussions and appropriately memorialize any resulting agreement. The suspension will not prejudice either party and will not unduly delay the proceedings.


Angie's Artisan Treats, LLC has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Angie's Artisan Treats, LLC 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.

Respectfully submitted,


ANGIE'S ARTISAN TREATS, LLC

Date: June 2, 2105

By: 
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Certificate of Service

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


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