

ESTTA Tracking number: **ESTTA762991**

Filing date: **08/08/2016**

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

Proceeding	91219198
Party	Plaintiff Matt Brewing Co., Inc.
Correspondence Address	THEODORE C MAX SHEPPARD MULLIN RICHTER & HAMPTON LLP 30 ROCKEFELLER PLAZA NEW YORK, NY 10112-0015 UNITED STATES docketing@sheppardmullin.com, ipdocketingdc@sheppardmullin.com, tmax@sheppardmullin.com, tbaker@sheppardmullin.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Theodore C. Max
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Signature	/Theodore C. Max/
Date	08/08/2016
Attachments	08-08-16_ADIRONDACK_BREWERY_motion_to_suspend.pdf(16878 bytes)

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

MATT BREWING CO., INC.)	<i>In re</i> Serial No. 86/027053
)	Mark: ADIRONDACK
Opposer,)	BREWERY
)	
v.)	Opposition No.: 91219198
)	
ADIRONDACK PUB & BREWERY, INC.)	
)	
Applicant.)	
)	

Consent Motion to Suspend for Settlement Discussions

Counsel for both parties are actively engaged in negotiations to settle the above-captioned proceeding. Opposer Matt Brewing Co., Inc. (“Matt Brewing” or “Opposer”), through its undersigned counsel, hereby moves to suspend this proceeding for 90 days to allow the parties to continue their settlement negotiations. Applicant Adirondack Pub & Brewery, Inc.’s (“Adirondack” or “Applicant”) and Opposer’s attorneys and principals have further exchanged information, corresponded regarding settlement, and conducted an in-person meeting on June 1, 2016, to try and amicably settle and resolve this matter. The substance of this upcoming meeting also included settlement discussions for Opposition No. 91219318, concerning the application for the mark HIGH PEAKS DISTILLING. The parties are trying to reach a global settlement between the parties to amicably resolve all outstanding disputes before the United States Trademark Trial and Appeals Board. In addition, Applicant is currently involved in other litigation (Opposition No. 91219162) with the mark at issue, which dispute may have an effect on the settlement discussions between the parties in this Opposition. Counsel for Opposer recently submitted to Applicant a new settlement proposal which Applicant is assessing.

Counsel for Applicant has consented to this motion. The parties consent to and request the resetting of dates as follows:

Time to Answer:	CLOSED
Deadline for Discovery Conference:	CLOSED
Discovery Opens:	CLOSED
Initial Disclosures Due:	November 8, 2016
Expert Disclosure Due:	December 8, 2016
Discovery Closes:	January 9, 2017
Plaintiff's Pretrial Disclosures:	February 27, 2017
Plaintiff's 30-day Trial Period Ends:	April 10, 2017
Defendant's Pretrial Disclosures:	April 24, 2017
Defendant's 30-day Trial Period Ends:	June 8, 2017
Plaintiff's Rebuttal Disclosures:	June 22, 2017
Plaintiff's 15-day Rebuttal Period Ends:	July 25, 2017

Respectfully submitted,

Dated: August 8, 2016

By: /Theodore C. Max/
Theodore C. Max
SHEPPARD, MULLIN, RICHTER
& HAMPTON LLP
30 Rockefeller Plaza
New York, NY 10112-0015
Tel. (212) 652-8700

Attorneys for Opposer,
Matt Brewing Co. Inc.

CONSENT

Applicant Adirondack Pub & Brewery, Inc. hereby consents to Matt Brewing Co. Inc.'s
Consent Motion to Suspend for Settlement Discussions as set forth above.

Respectfully submitted,

Dated: August 8, 2016

By: /Charles H. Knull/
Charles H. Knull
KNULL P.C.
The Film Center Building Suite 405
630 Ninth Avenue
New York, New York 10036
Tel. (646) 233-1376

Attorneys for Applicant,
Adirondack Pub & Brewery, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2016 a copy of the foregoing CONSENT MOTION TO SUSPEND FOR SETTLEMENT DISCUSSIONS was served by first class mail, postage prepaid, upon Applicant's attorney of record:

Charles H. Knull
KNULL P.C.
The Film Center Building Suite 405
630 Ninth Avenue
New York, New York 10036

/s/ Tyler E. Baker

Tyler E. Baker, Esq.