

ESTTA Tracking number: **ESTTA683011**

Filing date: **07/10/2015**

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

| | |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proceeding | 91219554 |
| Party | Plaintiff Clover-Stornetta Farms, Inc. |
| Correspondence Address | MEREDITH D PIKSER REED SMITH LLP 599 LEXINGTON AVENUE NEW YORK, NY 10022 UNITED STATES mpikser@reedsmith.com, RobPhillips@ReedSmith.com |
| Submission | Other Motions/Papers |
| Filer's Name | Robert N. Phillips |
| Filer's e-mail | robphillips@reedsmith.com, ncuttle@reedsmith.com |
| Signature | /Robert N. Phillips/ |
| Date | 07/10/2015 |
| Attachments | Clover Motion to Suspend.pdf(149405 bytes) |

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

| | | |
|------------------------------|---|---------------------------|
| -----x | | |
| CLOVER-STORNETTA FARMS, INC. | : | |
| | : | |
| Opposer, | : | Serial No. 86/037,168 |
| | : | Mark: CLOVER & Design |
| v. | : | Published: June 3, 2014 |
| | : | |
| CASSANDRA TROY WALKER AND | : | Opposition No. 91-219,554 |
| ANDREW WALKER | : | |
| | : | |
| Applicants. | : | |
| -----x | | |

BOX TTAB - FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-14513

MOTION TO SUSPEND ON CONSENT

Opposer, Clover-Stornetta Farms, Inc. (“Opposer”), with the consent of Applicants Cassandra Troy Walker and Andrew Walker (hereinafter, “Applicants”) hereby moves to suspend proceedings pending completion of ongoing settlement discussions. The parties initially reached agreement on March 17, 2015 to extend the time to serve initial disclosures by two months. Opposer requested Applicants to file the stipulation, but applicants neglected to do so. On July 8, 2015, Applicants acknowledge the misunderstanding and agreed to a two month suspension. See attached confirming email exchange. Therefore, the Board should suspend proceedings and, in the event settlement discussions are unsuccessful and either party moves to resume proceedings, set the new schedule beginning with Initial Disclosures, as nothing has been done in the case since the initial agreement to extend all such deadlines.

Respectfully submitted,

REED SMITH LLP

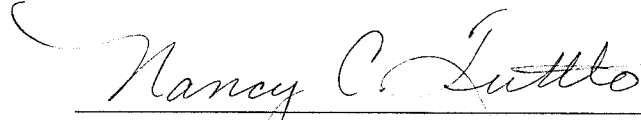
Date: July 10, 2015

By: /s/ Robert N. Phillips

Robert N. Phillips
Meredith D. Pikser
599 Lexington Avenue
New York, NY 10022
Tel: (212) 521-5400
Email: RobPhillips@reedsmith.com;
mpikser@reedsmith.com
Attorneys for Opposer

Certificate of Service

I hereby certify that a copy of the foregoing Motion To Suspend On Consent was mailed first-class mail postage prepaid to the Attention of Candice E. Kim, Greenberg Traurig, LLP, 1840 Century Park East Suite 1900, Los Angeles, CA 90067-2121 this 10th day of July 2015.



Nancy C. Tuttle

Tuttle, Nancy

From: Pikser, Meredith D.
Sent: Wednesday, July 08, 2015 12:50 PM
To: 'kimce@gtlaw.com'
Cc: Phillips, Robert N. (Rob); tfall@foxrothschild.com
Subject: RE: CLOVER

Candace

I believe there was some miscommunication. As you can see in Rob's email below, dated March 23, 2015, we agreed that you would submit the stipulated consent at your convenience. As you are currently out of the office, we will attend to the filing of the stipulation, but will request that it be retroactive to the date when we had agreed to the suspension of the proceedings back in March as other deadlines have since passed. Please confirm that you consent to this request.

We also see the claim in your email below that your client has filed a trademark application that is currently pending, yet we were unable to locate any such filing. Kindly provide us with the mark and serial number for this newly filed application.

Finally, please advise as to the delay in confirming whether your client plans to abandon its application/registration.

Best,
Meredith

Meredith D. Pikser
ReedSmith LLP
599 Lexington Avenue
New York, New York 10022-7650
Direct Dial: (212) 521-5432
Fax: (212) 521-5450
E-mail: mpikser@reedsmith.com

-----Original Message-----

From: kimce@gtlaw.com [mailto:kimce@gtlaw.com]
Sent: Wednesday, July 08, 2015 12:00 PM

To: Pikser, Meredith D.
Cc: Phillips, Robert N. (Rob); tfall@foxrothschild.com
Subject: RE: CLOVER

Meredith,

There must have been some miscommunication. If you look back at our correspondence, I did not state that I would file the suspension. I had requested that Clover-Stornetta file the suspension. Also, you are incorrect in that I did not file the suspension for Clover Farms Dairy; Clover Farms filed the suspension in those cases.

In any event, my client has been and continues to consider other marks and did file a trademark application that is currently pending. We are agreeable to a 2-month suspension of the proceedings but again, request that you file it. Thanks.

Best,

Candice E. Kim
Shareholder
Greenberg Traurig, LLP | 1840 Century Park East Suite 1900 | Los Angeles, CA 90067-2121 Tel 310.586.3867 | Fax 310.586.0567 kimce@gtlaw.com |
www.gtlaw.com

-----Original Message-----

From: Pikser, Meredith D. [mailto:mpikser@ReedSmith.com]
Sent: Tuesday, July 07, 2015 6:44 PM
To: Kim, Candice E. (Shld-LA-IP-Tech)
Cc: 'TFall@foxrothschild.com'; Phillips, Robert N. (Rob)
Subject: RE: CLOVER

Hi Candace

Following up on the below. It looks like you had filed the stipulated consent to a 2 month suspension for settlement negotiations in connection with the opposition filed by Clover Farms Dairy, but not the one filed by our client, Clover-Stornetta Farms, Inc. Please confirm that you will file the stipulated consent in connection with that opposition as well and provide us with an update on your client's plan to abandon its application/registration.

Best,
Meredith

-----Original Message-----

From: Pikser, Meredith D.
Sent: Tuesday, June 30, 2015 8:50 PM
To: 'kimce@gtlaw.com'
Cc: TFall@foxrothschild.com; Phillips, Robert N. (Rob)
Subject: RE: CLOVER

Hi Candace:

It has been a while since we last heard from you regarding this matter. Please let us know if you have any updates on your client's plan to abandon its application/registration? Also, it appears that you never filed the stipulated consent to a 2 month suspension for settlement negotiations. As such, we currently have a deadline of July 10 for expert disclosures and discovery closes August 9, 2015.

Best,
Meredith

-----Original Message-----

From: Phillips, Robert N. (Rob)
Sent: Monday, March 23, 2015 5:54 PM
To: 'kimce@gtlaw.com'
Cc: Pikser, Meredith D.; TFall@foxrothschild.com
Subject: RE: CLOVER

Ok to submit at your convenience.

Robert N. Phillips | Reed Smith LLP
101 Second Street - Suite 1800 San Francisco, CA 94105
Direct: 415.659.5953 | Reception: 415.543.8700 | Fax: 415.391.8269 robphillips@reedsmith.com | www.reedsmith.com

-----Original Message-----

From: kimce@gtlaw.com [mailto:kimce@gtlaw.com]
Sent: Monday, March 23, 2015 2:45 PM
To: Phillips, Robert N. (Rob)
Cc: Pikser, Meredith D.; TFall@foxrothschild.com
Subject: Re: CLOVER

This is an electronic submission form. Nothing to prepare, I think. Just a stipulated consent to 2 month suspension for settlement negotiations.

Sent from my iPhone

> On Mar 23, 2015, at 2:42 PM, Phillips, Robert N. (Rob) <RobPhillips@ReedSmith.com> wrote:

>

> No rush. Send it to us for review whenever you can. Thanks.

>

> Robert N. Phillips | Reed Smith LLP

> 101 Second Street - Suite 1800 San Francisco, CA 94105

> Direct: 415.659.5953 | Reception: 415.543.8700 | Fax: 415.391.8269

> robphillips@reedsmith.com | www.reedsmith.com

>

>

> -----Original Message-----

> From: kimce@gtlaw.com [mailto:kimce@gtlaw.com]

> Sent: Monday, March 23, 2015 2:41 PM

> To: Pikser, Meredith D.

> Cc: Phillips, Robert N. (Rob); TFall@foxrothschild.com

> Subject: Re: CLOVER

>

> I am in client meetings all day. Can you file?

>

> Sent from my iPhone

>

> On Mar 23, 2015, at 1:30 PM, Pikser, Meredith D. <mpikser@ReedSmith.com<mailto:mpikser@ReedSmith.com>> wrote:

>

> Hi Candace

>

> Just following up on Rob's email below. Please let us know if you will be preparing the stipulation extending the dates in these proceedings.

>

> Best,

> Meredith

>

>

> Meredith D. Pikser

> ReedSmith LLP

> 599 Lexington Avenue

> New York, New York 10022-7650

> Direct Dial: (212) 521-5432

> Fax: (212) 521-5450

> E-mail: mpikser@reedsmith.com<mailto:mpikser@reedsmith.com>

>

>

>

> From: Phillips, Robert N. (Rob)

> Sent: Tuesday, March 17, 2015 3:41 PM

> To: 'kimce@gtlaw.com<mailto:kimce@gtlaw.com>';

> TFall@foxrothschild.com<mailto:TFall@foxrothschild.com>

> Cc: Pikser, Meredith D.

> Subject: RE: CLOVER

>

> Thanks Candace. Do you mind preparing the stipulation?

>

> Robert N. Phillips | Reed Smith LLP

> 101 Second Street - Suite 1800 San Francisco, CA 94105

> Direct: 415.659.5953 | Reception: 415.543.8700 | Fax: 415.391.8269

> robphillips@reedsmith.com<mailto:robphillips@reedsmith.com> |

> www.reedsmith.com<http://www.reedsmith.com>

> From: kimce@gtlaw.com<mailto:kimce@gtlaw.com> [mailto:kimce@gtlaw.com]

> Sent: Tuesday, March 17, 2015 8:43 AM

> To: TFall@foxrothschild.com<mailto:TFall@foxrothschild.com>

> Cc: Pikser, Meredith D.; Phillips, Robert N. (Rob)

> Subject: RE: CLOVER

>

> Tris and Rob,

>

> We agree to a two-month extension for the Initial Disclosures in all three proceedings. Thanks.

>

> From: Fall, Tristram [mailto:TFall@foxrothschild.com]

> Sent: Tuesday, March 17, 2015 6:59 AM

> To: Kim, Candice E. (Shld-LA-IP-Tech)

> Cc: mpikser@ReedSmith.com<mailto:mpikser@ReedSmith.com>;

> RobPhillips@ReedSmith.com<mailto:RobPhillips@ReedSmith.com>

> Subject: RE: CLOVER

>

>

> Candice --

>

> Please confirm that your client is agreeable to an extension, and for what period of time.

>
> Thanks.
>
> Tris Fall
> Attorney at Law
> Fox Rothschild LLP
> tfall@foxrothschild.com<mailto:tfall@foxrothschild.com>
> 215-299-2016
>
> From: Fall, Tristram
> Sent: Thursday, March 12, 2015 6:10 PM
> To: 'kimce@gtlaw.com<mailto:kimce@gtlaw.com>'
> Cc: mpikser@ReedSmith.com<mailto:mpikser@ReedSmith.com>;
> RobPhillips@ReedSmith.com<mailto:RobPhillips@ReedSmith.com>
> Subject: RE: CLOVER
>
> Candace --
>
> I assume that that will apply to Clover Farms also? Yes?
>
> And for how long are we extending? (Meredith's e-mail seems to have cut that off.) Two months?
>
> Thanks.
>
> Tris Fall
> Attorney at Law
> Fox Rothschild LLP
> tfall@foxrothschild.com<mailto:tfall@foxrothschild.com>
> 215-299-2016
>
> From: kimce@gtlaw.com<mailto:kimce@gtlaw.com> [mailto:kimce@gtlaw.com]
> Sent: Thursday, March 12, 2015 5:56 PM
> To: mpikser@ReedSmith.com<mailto:mpikser@ReedSmith.com>;
> RobPhillips@ReedSmith.com<mailto:RobPhillips@ReedSmith.com>
> Cc: Fall, Tristram
> Subject: RE: CLOVER
>
> Yes. We agree to the extension. Thanks.
>

> From: Pikser, Meredith D. [mailto:mpikser@ReedSmith.com]
> Sent: Thursday, March 12, 2015 2:55 PM
> To: Kim, Candice E. (Shld-LA-IP-Tech); Phillips, Robert N. (Rob)
> Cc: TFall@foxrothschild.com<mailto:TFall@foxrothschild.com>
> Subject: RE: CLOVER
>
> Hi Candace,
>
> As we await your client's response, shall we agree to a two extension of time to exchange our initial disclosures?
>
> Best,
> Meredith
>
>
> Meredith D. Pikser
> ReedSmith LLP
> 599 Lexington Avenue
> New York, New York 10022-7650
> Direct Dial: (212) 521-5432
> Fax: (212) 521-5450
> E-mail: mpikser@reedsmith.com<mailto:mpikser@reedsmith.com>
>
>
>
> From: kimce@gtlaw.com<mailto:kimce@gtlaw.com> [mailto:kimce@gtlaw.com]
> Sent: Wednesday, March 11, 2015 6:16 PM
> To: Phillips, Robert N. (Rob)
> Cc: TFall@foxrothschild.com<mailto:TFall@foxrothschild.com>; Pikser, Meredith D.
> Subject: RE: CLOVER
>
> Thanks, Rob. I've reached out to my client and will let you know.
>
> From: Phillips, Robert N. (Rob) [mailto:RobPhillips@ReedSmith.com]
> Sent: Wednesday, March 11, 2015 11:47 AM
> To: Kim, Candice E. (Shld-LA-IP-Tech)
> Cc: Fall, Tristram; Pikser, Meredith D.
> Subject: CLOVER
>
> Hi Candace:

>
> Any updates on your client's plan to abandon its application/registration? We have initial disclosures due tomorrow.

>
> Thanks,

>
> Rob

>
> Robert N. Phillips | Reed Smith LLP
> 101 Second Street - Suite 1800 San Francisco, CA 94105
> Direct: 415.659.5953 | Reception: 415.543.8700 | Fax: 415.391.8269
> robphillips@reedsmith.com<mailto:robphillips@reedsmith.com> |
> www.reedsmith.com<http://www.reedsmith.com>

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