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

Proceeding	91220488
Party	Plaintiff Fita Preta Vinhos, LDA, LLC
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Submission	Motion to Suspend for Settlement Discussions
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Signature	/Matthew A. Becker/
Date	05/01/2017
Attachments	Stipulated Motion for Suspension - 050117.pdf(58321 bytes)

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

IN THE MATTER OF APPLICATION:

Serial No.: : 86191378
For the Mark : SEXY BEAST
Applicant: : Two Hands Wines Pty Ltd
Filed: : February 12, 2014
Published in the
Official Gazette : January 6, 2015

Atty. Docket No. FPV 517.04

FITA PRETA VINHOS, LDA LLC

Opposer,

vs.

TWO HANDS WINES PTY LTD

Applicant.

Opposition No.: 91220488

**STIPULATED MOTION FOR
SUSPENSION FOR SETTLEMENT
WITH CONSENT**

STIPULATED MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT

The parties are actively engaged in activities related to the settlement of this matter, and the parties jointly request that the above captioned opposition proceeding be suspended for sixty (60) days until July 2, 2017. It is further requested that the conferencing, disclosure, discovery and trial dates be reset as follows:

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	07/02/2017
Expert Disclosure Due :	10/31/2017
Discovery Closes :	11/30/2017

Plaintiff's Pretrial Disclosures : 01/14/2018
Plaintiff's 30-day Trial Period Ends : 02/28/2018
Defendant's Pretrial Disclosures : 03/15/2018
Defendant's 30-day Trial Period Ends : 04/29/2018
Plaintiff's Rebuttal Disclosures : 05/14/2018
Plaintiff's 15-day Rebuttal Period Ends : 06/13/2018

The parties have held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2).

The grounds for this suspension request are that the parties are engaged in settlement discussions.

In accordance with the Order of March 10, 2017, the parties jointly provide the following progress report:

- (1) The parties conducted the required discovery conference via telephone on June 10, 2015, and discussed the prospects of settlement during the discovery conference.
- (2) Applicant's counsel communicated to Opposer's counsel via email on August 5, 2015 that Applicant has agreed in principle to Opposer's settlement proposal as outlined during the discovery conference with certain additional stipulations. The terms of such proposal and stipulations remain confidential.
- (3) Opposer's counsel communicated to Applicant's counsel via email on August 31, 2015 that Opposer also agreed in principle to the terms of settlement, which terms remain confidential.
- (4) Applicant's counsel communicated to Opposer's counsel via email on September 6, 2015, confirming Opposer's counsel's email and requesting that Opposer's counsel draft a proposed settlement agreement.

- (5) Opposer's counsel confirmed via email on September 11, 2015 that Opposer's counsel would prepare the proposed settlement agreement.
- (6) Applicant's counsel communicated with Opposer's counsel via email on June 6, 2016 inquiring as to whether Opposer's counsel would prefer if Applicant's counsel would handle preparation of the proposed settlement agreement in order to further resolution of the matter.
- (7) Opposer's counsel confirmed via email on June 6, 2016 that Applicant's counsel could proceed with preparation of the proposed settlement agreement.
- (8) Since June 2016 the parties have worked amicably together to secure further suspensions of the opposition while the parties continue to work towards a final resolution of this matter.
- (9) Opposer's counsel is awaiting further instructions from Opposer, who is located overseas, regarding finalization of the proposed settlement agreement.
- (10) The issues that remain to be resolved are memorialization of the parties' understandings in a written settlement agreement, and execution of such agreement by the parties.
- (11) It is expected that these issues will be resolved in the near future, and the parties will continue to diligently pursue resolution of this matter.

It is submitted that the foregoing constitute a proper showing of good cause for the suspension as requested, and it is not interposed for purposes of delay.

Opposer, Fita Preta Vinhos, LDA LLC, has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Opposer, Fita Preta Vinhos, LDA LLC, has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

DATED this 1st day of May, 2017.

Respectfully submitted,

/s/ Matthew A. Becker

MATTHEW A. BECKER
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CERTIFICATE OF SERVICE

I hereby declare and certify that a true and complete copy of the attached document
entitled:

**STIPULATED MOTION FOR SUSPENSION FOR SETTLEMENT
WITH CONSENT**

was served on the date first written below, by causing it to be emailed to the following
email addresses: kro@warefressola.com, mail@warefressola.com

Dated: May 1, 2017

/s/ Matthew A. Becker

Matthew A. Becker