

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500
General Email: TTABInfo@uspto.gov

August 15, 2018

Opposition No. 91230042

Provide Commerce, Inc.

v.

Edible IP, LLC

Rochelle Adams, Paralegal Specialist:

Opposer's consented motion, filed August 7, 2018, to suspend this proceeding is granted. The Board finds that the parties have complied with the Board's previous requirement and shown good cause.

Because the parties are negotiating for a possible settlement of this case, proceedings are suspended, subject to the right of either party to request resumption at any time.¹ See Trademark Rules 2.117(c) and 2.127(a); and TBMP § 605.02.

If, during the suspension period, either of the parties or their attorneys have a change of address or email address, the Board should be so informed. See Trademark Rule 2.18(b)(1).

¹ The parties should note that if proceedings are suspended for a lengthy period of time pursuant to the filing of several motions to suspend for settlement, the Board retains discretion to condition the approval of any future consented or stipulated motion to suspend on a party or the parties providing necessary information about the status of settlement talks, discovery activities, or trial activities, as may be appropriate. See Trademark Rule 2.117(c).

As a final matter, the parties are hereby reminded that in the event that either party files a motion to extend or suspend any of these dates, they remain under obligation to support any such motion with a detailed report of the reasons therefor, including details of the settlement efforts, if any.

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, **proceedings shall resume without further notice or order from the Board**, upon the schedule set forth below.

Expert Disclosures Due	10/4/2018
Discovery Closes	11/3/2018
Plaintiff's Pretrial Disclosures Due	12/18/2018
Plaintiff's 30-day Trial Period Ends	2/1/2019
Defendant's Pretrial Disclosures Due	2/16/2019
Defendant's 30-day Trial Period Ends	4/2/2019
Plaintiff's Rebuttal Disclosures Due	4/17/2019
Plaintiff's 15-day Rebuttal Period Ends	5/17/2019
Plaintiff's Opening Brief Due	7/16/2019
Defendant's Brief Due	8/15/2019
Plaintiff's Reply Brief Due	8/30/2019
Request for Oral Hearing (optional) Due	9/9/2019

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the

manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).