

ESTTA Tracking number: **ESTTA1073997**

Filing date: **08/10/2020**

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

Proceeding	91232286
Party	Plaintiff Senseonics, Incorporated
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Submission	Motion to Suspend for Settlement Discussions
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Date	08/10/2020
Attachments	EVOSENSE Motion for Suspension with Consent.pdf(48242 bytes )

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

In the matter of  
Trademark Application Serial No. 86/845,324  
Mark: EVOSENSE

Senseonics, Incorporated	)	
Opposer,	)	
vs.	)	Opposition No. 91232286
	)	
EvoSense Research & Development GmbH	)	
	)	
Applicant.	)	
	)	

**MOTION FOR SUSPENSION WITH CONSENT**

Opposer Senseonics, Incorporated (“Opposer”), with the consent of Applicant EvoSense Research & Development GmbH (“Applicant”), requests further suspension of the Opposition for 30 days and that all trial dates be reset accordingly, on the grounds that the parties are engaged in settlement discussions. Pursuant to the Board’s Order dated September 4, 2019, Opposer provides the following status report showing good cause and setting forth the specific efforts that the parties have made towards settlement during the previous periods of suspension, along with a proposed reset trial schedule.

1. The parties have been engaged in productive settlement discussions and have reached a final settlement. The parties have been primarily negotiating amendments to Applicant’s identification of services in Trademark Application Serial No. 86/845,324 (the “Application”).

2. As of their most recent substantive correspondence on August 10, 2020, the parties agreed that although there are likely no issues with the final agreement, they require more time to sign and exchange the original documents.

3. On July 10, 2020, the parties agreed on the final agreement to be signed that will lead to dismissal of the Opposition.

4. On June 9, 2020, the parties are exchanging a final agreement that will lead to dismissal of the Opposition.

5. On March 13, 2020, the parties reached a tentative settlement on all but a single term and needed time to finalize the agreement that will result in withdrawal of the Opposition.

6. On December 11, 2019, Applicant tentatively agreed in principle to the settlement terms proposed by Opposer, but Applicant needed to obtain the approval of others in Applicant's company regarding the scope of the amendments to Applicant's identification of services and the final settlement agreement. The parties only needed to finalize the scope of the amendment to the identification of services and the final settlement documentation.

7. On May 21, 2018, Applicant sent an email to Opposer's counsel, providing its proposed amendment to the identification of services and a draft settlement agreement.

8. On December 3, 2018, Applicant sent an email to Opposer's counsel, regarding Applicant's settlement proposal with a modification to its proposed amendment to the identification of services.

9. On May 30, 2019, Opposer's counsel indicated in an email to Applicant that Opposer continued to find some of the terms in Applicant's settlement proposal unacceptable and provided a counterproposal primarily relating to amendments to the identification of services in the Application and to making the settlement terms reciprocal.

10. On August 18, 2019, Applicant agreed in principle to the terms proposed by Opposer's counsel on May 30, 2019.

11. On December 6, 2019, Opposer's counsel sent an email to Applicant, regarding Applicant's settlement proposal with a modification to its proposed amendment to the identification of services.

12. The parties have finalized a settlement agreement that will lead to Withdrawal of the Opposition. The only remaining actions are the parties must sign the agreement, Applicant must seek the approval of the Office to amendments to the descriptions of goods in the application and, following Office approval, Opposer must immediately file a Withdrawal of the Opposition.

13. The parties propose the following reset schedule:

Discovery Closes	September 9, 2020
Plaintiff's Pretrial Disclosures Due	October 24, 2020
Plaintiff's 30-day Trial Period Ends	December 8, 2020
Defendant's Pretrial Disclosures Due	December 23, 2020
Defendant's 30-day Trial Period Ends	February 6, 2021
Plaintiff's Rebuttal Disclosures Due	February 21, 2021
Plaintiff's 15-day Rebuttal Period Ends	March 23, 2021
Plaintiff's Opening Brief Due	May 22, 2021
Defendant's Brief Due	June 21, 2021
Plaintiff's Reply Brief Due	July 6, 2021
Request for Oral Hearing (optional) Due	July 16, 2021



WHEREFORE, in view of the foregoing, Opposer respectfully asks that the Board grant the Motion to Suspend with Consent for 30 days and reset disclosure, discovery and trial dates accordingly.

Dated: August 10, 2020

Respectfully submitted,

By: /R.J. Heher/  
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Attorney for Opposer  
Senseonics, Incorporated

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **MOTION FOR SUSPENSION WITH CONSENT** was served this 10<sup>th</sup> day of August, 2020, by email on Applicant herein at: [t.meiss@evosense.de](mailto:t.meiss@evosense.de), as required by the Trademark Trial and Appeal Board.

/Jodi Dueck/

Jodi Dueck, Senior Paralegal