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Filing date: **07/06/2021**

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

Proceeding	91234097
Party	Plaintiff Rudolf Wild GmbH & Co. KG and Wild Flavors, Inc.
Correspondence Address	MARY E INNIS INNIS LAW GROUP LLC 321 N CLARK STREET, SUITE 2465 CHICAGO, IL 60654 UNITED STATES Primary Email: minnis@innislaw.com Secondary Email(s): docket@innislaw.com, lmackey@innislaw.com, losier@innislaw.com, takinwande@innislaw.com 312-321-9020
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Kahlia R. Halpern
Filer's email	khalpern@innislaw.com, docket@innislaw.com
Signature	/Kahlia R. Halpern/
Date	07/06/2021
Attachments	JOINT STATUS REPORT REGARDING STATUS OF SETTLEMENT AND MOTION Opp. No . 91234097 July 2021.pdf(181785 bytes)

1. All dates on which the parties communicated, and the method of each communication.

The parties have exchanged numerous communications regarding this proceeding during the previous periods of suspension. The parties have exchanged written settlement proposals and have conducted business-to-business conferences regarding the same. Additionally, the parties' attorneys communicated via email regarding settlement numerous times in 2018, 2019, 2020, and 2021, including the following dates: 06/5/2019; 07/17/2019; 07/19/2019; 07/23/2019; 07/25/2019; 07/31/2019; 10/23/2019; 10/28/2019; 10/29/2019; 10/30/2019; 11/6/2019; 11/7/2019; 05/12/2020; 05/14/2020; 10/30/2020; 11/2/2020; 11/10/2020; 11/11/2020; 01/28/2020; 02/1/2021; 02/5/2021; 02/9/2021; 02/10/2021; 04/28/2021; 05/5/2021; 05/12/2021; 06/30/2021.

2. The general nature of each communication.

- June 5, 2019 – Attorney for opposers sent draft settlement agreement to attorney for applicant.
- July 17, 2019 – Attorney for applicant informed attorney for opposers that applicant had no intention to use the mark at issue and intended to abandon the mark.
- July 19, 2019 – Attorney for opposers responded re: entering into a draft settlement agreement.
- July 23, 2019 – Attorney for applicant responded and proposed not entering into a written settlement agreement.
- July 25, 2019 – Attorney for opposers acknowledged email.
- July 31, 2019 – Attorney for opposers stated that they wanted to enter into a written settlement agreement.
- September 2019 – Partner attorney for opposers returned from maternity leave.
- October 2019 – Associate attorney for opposers left firm and partner attorney took over settlement discussions with attorney for applicant.

- October 23, 2019 – Attorney for opposers emailed attorney for applicant requesting status of draft settlement agreement and inquired if applicant is agreeable to suspending the proceeding further.
- October 28, 2019 – Attorney for opposers followed up with attorney for applicant; Attorney for applicant agreed to further suspend while parties attempt to finalize settlement.
- October 29, 2019 – Attorney for opposers requested time to set up a call to further discuss settlement.
- October 30, 2019 – Attorney for opposers provided available times to call.
- November 6, 2019 – Attorney for opposers suggested a call time.
- November 7, 2019 – Attorneys communicated about rescheduling a call time, and attorney for opposers stated they will begin drafting the motion to suspend.
- May 12, 2020 – Attorney for applicant sent settlement proposal.
- May 14, 2020 – Attorneys communicated regarding filing of joint status report.
- October 30, 2020 – Attorney for opposers provided update regarding status of position on settlement proposal.
- November 2, 2020; November 10, 2020; November 11, 2020 – Attorneys communicated regarding draft status report and prior settlement discussions.
- January 28, 2021; February 1, 2021 – Attorneys communicated regarding draft status report and prior settlement discussions.
- April 28, 2021; May 5, 2021 – Attorneys communicated regarding draft status report and prior settlement discussions.
- May 11, 2021; May 12, 2021 – Attorneys communicated regarding review and approval of status report.
- June 30, 2021 – Associate attorney for opposers left firm and new associate attorney and partner attorney took over settlement discussions with attorney for applicant; Attorney for applicant alerted attorney for opposers that representation of applicant had ended and provided new representative information; Attorney for opposers communicated with new attorney for applicant regarding draft status report and prior settlement discussions.

3. The issues that have been resolved.

Applicant has agreed to abandon all FITJOY WILD applications.

4. The issues that remain to be resolved of that remain for trial.

The parties are negotiating regarding entering into a written settlement agreement.

5. The proposed timetable for resolution of the remaining issues.

The parties anticipate finalizing settlement with the next 60 days. Given the information set forth above and the fact that the parties are diligently working towards finalizing settlement, the parties request that this proceeding be suspended for 60 days to allow the parties to complete the same.

Expert Disclosures Due	07/12/2021	09/12/2021
Discovery Closes	08/11/2021	10/11/2021
Plaintiff’s Pretrial Disclosures Due	09/25/2021	11/25/2021
Plaintiff’s 30-day Trial Period Ends	11/09/2021	01/09/2022
Defendant’s Pretrial Disclosures Due	11/24/2021	01/24/2022
Defendant’s 30-day Trial Period Ends	01/08/2022	03/08/2022
Plaintiff’s Rebuttal Disclosures Due	01/23/2022	03/23/2022
Plaintiff’s 15-day Rebuttal Period Ends	02/22/2022	04/22/2022
Plaintiff’s Opening Brief Due	04/23/2022	06/23/2022
Defendant’s Brief Due	05/23/2022	07/23/2022
Plaintiff’s Reply Brief Due	06/07/2022	08/07/2022
Request for Oral Hearing (optional) Due	06/17/2022	08/17/2022

Date: July 6, 2021

EGAN NELSON LLP

By: /s/ Eric Adler
Eric Adler
1601 5th Avenue
Suite 1100
Seattle, Washington 98101
Phone: (206)-753-1450
Email: eric.adler@egannelson.com

Attorney for Applicant

Respectfully submitted,

INNIS LAW GROUP LLC

By: /s/ Mary E. Innis
Mary E. Innis
Kahlia R. Halpern
321 North Clark Street
Suite 2465
Chicago, Illinois 60654
Phone: (312) 321-9020
Email: khalpern@innislaw.com

Attorney for Opposers

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that a true and complete copy of the foregoing, JOINT STATUS REPORT REGARDING STATUS OF SETTLEMENT AND MOTION TO SUSPEND PROCEEDING, has been served on the attorneys for Applicant via email, per the parties' agreement, sending said copy on July 6, 2021, to:

Eric Adler
EGAN NELSON LLP
Eric.adler@egannelson.com

/s/ Kahlia R. Halpern
July 6, 2021