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

Proceeding	91235639
Party	Defendant Develus Systems Inc.
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Submission	Motion to Suspend for Settlement Discussions
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Date	04/23/2019
Attachments	2019-04-23-joint motion for 60-day suspension for settlement.PDF(83657 bytes)

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

In the matter of Trademark Application Serial No. 87/081,479
Published in the Official Gazette of March 21, 2017, Int’l Classes 09 and 42
Filed: June 23, 2016
Mark: **COMPLIA HEALTH**

CHG MANAGEMENT, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No.: 91235639
)	
DEVELUS SYSTEMS INC.,)	
)	
Applicant.)	

JOINT MOTION FOR 60-DAY SUSPENSION

Opposer CHG MANAGEMENT, INC. (“Opposer”) and DEVELUS SYSTEMS INC. (“Applicant”), by and through their undersigned counsel, hereby jointly move to suspend the above-captioned Opposition Proceeding for sixty (60) days. The parties have made meaningful progress in their settlement discussions and have narrowed the open issues. The parties believe that with additional time to continue their discussions the prospects of settlement will increase.

Status Report

Prior to the start of the last suspension period, Applicant provided Opposer with a summary of representative uses of the mark that is the subject of the instant proceedings, and Opposer reviewed that summary, and other uses of Applicant’s mark, and developed possible core terms for settlement. Also prior to the last suspension period, Opposer internally reviewed and

considered in more depth the core terms for settlement and finalized its written proposed settlement terms. Just before the start of the current suspension period, Opposer provided such finalized written proposed settlement terms to Applicant for review and consideration.

During the current suspension period, Applicant internally reviewed and considered Opposer's proposed settlement terms and communicated its position regarding the proposed terms to Opposer. The parties appear to have reached conceptual agreement on a portion of the terms proposed by Opposer. The parties are exploring the remaining terms to for possible resolution. Regarding the remaining settlement terms for which agreement has not yet been reached, Applicant has proposed alternate settlement terms that are being considered by Opposer. Applicant also has identified additional settlement terms that are being considered by Opposer.

The parties therefore require additional time to further discuss and negotiate the parties' proposed settlement terms, and the parties genuinely believe that the additional time will increase the prospects of settlement.

In addition to the above summary on the progress on the parties' settlement discussions, and in response to the Trademark Trial and Appeal Board's (the "Board") February 26, 2019 Order [Docket No. 23] in which the Board has required the parties to establish good cause for all future motions to suspend or extend, the parties provide the following additional information setting forth (1) all dates on which the parties have communicated about settlement since the last suspension or extension, and the method of each communication (e.g. telephone conferences, emails, in-person meetings), (2) the general nature of each communication, (3) the issues that have been resolved, (4) the issues that remain to be resolved, and (5) a proposed timetable for

resolving the remaining issues.

(1) During the current suspension period, the parties have communicated about settlement on at least the following days:

a. February 21, 2019: The parties communicated multiple times by email to discuss the timing of Applicant's review of Opposer's proposed settlement terms.

b. April 12, 2019: The parties communicated by email to discuss Applicant's review of the proposed settlement terms and to provide Applicant's responses to Opposer's proposed core settlement terms as further discussed above.

c. April 15, 2019: The parties communicated by email to discuss Opposer's review of Applicant's responses to Opposer's proposed core settlement terms.

d. April 18, 2019: The parties communicated multiple times by phone and email to discuss Opposer's review of Applicant's responses to Opposer's proposed settlement terms.

e. April 19, 2019: The parties communicated multiple times by phone and email to discuss Opposer's review of Applicant's responses to Opposer's proposed core settlement terms and the need for a further suspension of the instant proceedings to allow Opposer to review and respond to Applicant's responses to Opposer's proposed core settlement terms.

(2) As discussed in more detail above, some of the settlement terms proposed by Opposer appear to be conceptually agreed by the parties, while portions of Opposer's other proposed settlement terms are under review and discussion between the parties. Lastly Applicant has proposed some alternate settlement terms, as well as additional settlement terms, that are being considered by Opposer.

(3) The parties believe that Opposer's proposed settlement terms and Applicant's responses provide a basis for continued discussions about resolving issues regarding Applicant's use and/or registration of the trademark that is the subject of the instant proceedings. Opposer is in the process of reviewing Applicant's responses to Opposer's proposed terms and counsel for Opposer and Applicant are continuing communications in this matter. The parties are hopeful that the outstanding issues can be resolved during the next sixty (60) days.

The parties, therefore, wish to suspend the dates set forth in the Board's February 26, 2019 Order [Docket No. 23] for sixty (60) days to permit the parties sufficient time to review and further clarify and negotiate the settlement terms proposed by Opposer and the responses proposed by Applicant. Toward that end, the parties jointly request that the open dates set forth in the parties' February 21, 2019 Motion [Docket No. 22] as granted by the Board's February 26, 2019 Order [Docket No. 23] be reset as follows:

Time to Answer: **06/23/2019**

Deadline for Discovery Conference: **07/23/2019**

Discovery Opens: **07/23/2019**

Initial Disclosures Due: **08/22/2019**

Expert Disclosures Due: **12/20/2019**

Discovery Closes: **01/19/2020**

Plaintiff's Pretrial Disclosures: **03/04/2020**

Plaintiff's 30-day Trial Period Ends: **04/18/2020**

Defendant's Pretrial Disclosures: **05/03/2020**

Defendant's 30-day Trial Period Ends: **06/17/2020**

Plaintiff's Rebuttal Disclosures Due: **07/02/2020**

Plaintiff's 15-day Rebuttal Period Ends: **08/01/2020**

Plaintiff's Opening Brief Due: 09/30/2020

Defendant's Brief Due: 10/30/2020

Plaintiff's Reply Brief Due: 11/14/2020

Request for Oral Hearing (optional) Due: 11/24/2020

As evidenced by the signatures below, counsel for both parties have consented to the suspension, expressly consent to the new dates as shown above, and hereby jointly move the Board to grant their request stated herein.

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DATED this 23rd day of April 2019.

Respectfully submitted,

/John C. Stringham/

JOHN C. STRINGHAM, Reg. No. 40,831
MATTHEW A. BARLOW

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CHG MANAGEMENT, INC.

Respectfully submitted,

/Marc E. Fineman/

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ATTORNEYS FOR APPLICANT
DEVELUS SYSTEMS INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing JOINT MOTION FOR 60-DAY SUSPENSION was served on Opposer's Attorney of Record as set forth below, by electronic mail, on this the 23rd day of April 2019:

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