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Filing date: **06/21/2019**

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

Proceeding	91235639
Party	Plaintiff CHG Management, Inc.
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Submission	Motion to Suspend for Settlement Discussions
Filer's Name	John C. Stringham
Filer's email	jstringham@wnlaw.com
Signature	/John C. Stringham/
Date	06/21/2019
Attachments	2019-06-21-Joint Motion for 90-Day Suspension for Settlement - 91235639.pdf(92234 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**

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

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**JOINT MOTION FOR 90-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 ninety (90) days. The parties have made meaningful progress in their settlement discussions and have resolved many of the open issues. A few issues still remain but are progressing toward resolution. The parties believe that with additional time to continue their discussions that settlement will likely be achieved.

**Status Report**

Prior to the previous suspension the parties have exchanged a summary of representative uses and core terms for settlement were proposed. Both parties reviewed the core terms and a written proposed settlement term sheet which was exchanged between the parties.

During the current suspension period, Opposer's counsel was engaged in travel for several weeks out of the country. However, upon the return of Opposer's counsel, Opposer and Applicant have engaged in multiple exchanges of comments and questions regarding the remaining open settlement terms and have had several phone conferences regarding the matter. Opposer has reviewed the most recent comments from Applicant and has provided a response on what currently appears to be the two final primary issues that need resolution.

The parties therefore require additional time to further discuss and negotiate the final issues remaining 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") requirement 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. May 2 through May 13: Counsel for Opposer was unavailable due to travel outside of the country.

b. May 14, 2019: Applicant and Opposer communicated via email regarding Opposer's review of Applicant's comments to terms suggested by Opposer.

c. June 3, 2019: Applicant and Opposer communicated via email regarding Opposer's review of Applicant's comments to terms suggested by Opposer.

d. June 11, 2019: Applicant and Opposer communicated via email regarding Opposer's review of Applicant's comments to terms suggested by Opposer.

e. June 17, 2019: Applicant and Opposer communicated multiple times through email and various attempts by telephone regarding Opposer's review of Applicant's comments to terms suggested by Opposer.

f. June 18, 2019: Applicant and Opposer communicated multiple times through email and various attempts by telephone regarding Opposer's review of Applicant's comments to terms suggested by Opposer.

g. June 19, 2019: Applicant and Opposer communicated via email regarding Opposer's review of Applicant's comments to terms suggested by Opposer.

h. June 20, 2019: Opposer and Applicant's counsel engaged in multiple email exchanges and conducted a telephone conference regarding the remaining settlement terms and Opposer's comments regarding the remaining settlement terms. Opposer provided written responsive comments to Applicant's last responses to the few remaining settlement terms to be resolved.

i. June 21, 2019: Opposer and Applicant's counsel engaged in a telephone conference regarding Opposer's responsive comments to Applicant's last responses to the few

remaining settlement terms to be resolved.

(2) As discussed in more detail above, a significant number of settlement terms appear to be agreed upon by the parties. Two primary terms are still under discussion but appear to be advancing toward settlement.

(3) The parties are hopeful that the outstanding issues can be resolved during the next ninety (90) days.

The parties, therefore, wish to suspend the dates set forth in the Board's April 29, 2019 Order [Docket No. 25] for ninety (90) 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 Board's April 29, 2019 Order [Docket No. 25] be reset as follows:

Time to Answer: **09/22/2019**

Deadline for Discovery Conference: **10/22/2019**

Discovery Opens: **10/22/2019**

Initial Disclosures Due: **11/21/2019**

Expert Disclosures Due: **03/20/2020**

Discovery Closes: **04/19/2020**

Plaintiff's Pretrial Disclosures: **06/03/2020**

Plaintiff's 30-day Trial Period Ends: **07/18/2020**

Defendant's Pretrial Disclosures: **08/02/2020**

Defendant's 30-day Trial Period Ends: **09/16/2020**

Plaintiff's Rebuttal Disclosures Due: **10/01/2020**

Plaintiff's 15-day Rebuttal Period Ends: **10/31/2020**

Plaintiff's Opening Brief Due: **12/30/2020**

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Filed June 21, 2019

**Defendant's Brief Due: 01/29/2021**

**Plaintiff's Reply Brief Due: 02/13/2021**

**Request for Oral Hearing (optional) Due: 02/23/2021**

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 21<sup>nd</sup> day of June 2019.

Respectfully submitted,

/John C. Stringham/

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

**WORKMAN NYDEGGER**

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ATTORNEYS FOR OPPOSER  
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 Applicant's Attorney of Record as set forth below, by electronic mail, on this the 21<sup>nd</sup> day of June 2019:

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