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Filing date: **07/05/2019**

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

Proceeding	91238728
Party	Defendant Paris Croissant Co., Ltd.
Correspondence Address	MIRIAM TRUDELL SHERIDAN ROSS PC 1560 BROADWAY, SUITE 1200 DENVER, CO 80202 UNITED STATES mtrudell@sheridanross.com 303-863-9700
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Miriam D. Trudell
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Signature	/miriam trudell/
Date	07/05/2019
Attachments	motion to extend to file 5 July 2019.pdf(67919 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

BIRDS EYE FOODS LLC,)
)
 Opposer) Opposition No. 91238728
) Mark:



v.) Serial Nos. 87168679, 87168692
)
 PARIS CROISSANT CO., LTD.,)
)
 Applicant)

**CONSENT MOTION TO EXTEND FOR SETTLEMENT DISCUSSION AND STATUS
REPORT**

Pursuant to the TTAB's condition in its May 16, 2019 order granting the extension of all dates in the above-referenced matter, that the Parties submit a status report in support of any future motions to extend, Applicant, Paris Croissant Co., Ltd. submits the following Consent Motion for Extension and Status Report.

With regard to the status report, the following lays out the requested updates. However, note that a change in legal representation has very recently occurred for Opposer, which may result in further extensions needed for settlement discussions. Specifically, Opposer's business was recently acquired by Conagra. As a result, new counsel for Opposer has recently made an appearance (filed June 26, 2019). The parties would appreciate the Board's understanding in continuing to grant extensions as needed, as the parties are not only in the middle of settlement negotiations but also negotiations with new counsel on Opposer's side. We further note that

Applicant is located in S. Korea, which requires more time to communicate settlement offers back and forth with regard to local Korean counsel and required translations.

STATUS REPORT

The parties communicated various settlement offers and positions as follows:

- Feb. 1, 2018, email from Applicant's counsel to Opposer's prior counsel regarding settlement March 14, 2018 – discovery conference conducted by phone between Applicant's counsel and Opposer's prior counsel
- March 27, 2018 – email from Opposer's prior counsel to Applicant's counsel regarding settlement
- May 4, 2018, email from Applicant's counsel to Opposer's prior counsel regarding settlement
- August 17, 2018 - email from Opposer's prior counsel to Applicant's counsel regarding settlement
- August 29, 2018, email from Applicant's counsel to Opposer's prior counsel regarding settlement
- November 28, 2018 – telephone discussion with Applicant's counsel and Opposer's prior counsel regarding settlement
- Dec. 17, 2018, email from Applicant's counsel to Opposer's prior counsel regarding settlement
- March 1, 2019, email from Applicant's counsel to Opposer's prior counsel regarding request for status update on latest settlement position
- March 21, 2019 - email from Opposer's prior counsel to Applicant's counsel regarding settlement
- May 1, 2019, email from Applicant's counsel to Opposer's prior counsel regarding request for Opposer's prior counsel to prepare written settlement agreement for review
- June 13, 2019 - email from Opposer's prior counsel to Applicant's counsel regarding notification that Opposer was purchased by Conagra and new counsel would be appointed

- June 26, 2019 – new counsel for Opposer entered an appearance and notified Applicant's counsel that a written settlement agreement was being prepared for review

The general nature of each communication above consisted of various points of a proposed written settlement agreement that would result in registration of Applicant's marks with revised goods/services and withdrawal of opposition by Opposer. It is believed that with regard to Opposer's prior counsel and Applicant's counsel, the particulars of a settlement were reached, but still had to be memorialized in writing for signature and final approval by both parties. With the change of ownership of Opposer, change of representation of Opposer and the fact that a written agreement has not yet been completed, it may be a longer timetable than normal to resolve the matter but the parties will continue to actively work towards a resolution of the matter.

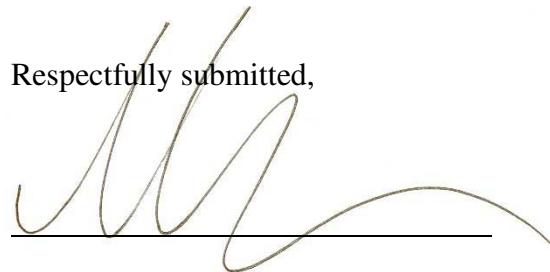
Applicant and Opposer have conferred with regard to the content of this Consent Motion for Suspension and Status Report, and Opposer has consented to the relief requested. The Parties request that the deadlines in this proceeding be extended for 60 days to allow the parties to work on a written settlement agreement. The parties request a 60 day extension, and that the deadlines be reset as follows:

	Current Schedule	Proposed Schedule
Initial Disclosures Due	07/07/2019	09/05/2019
Expert Disclosures Due	11/04/2019	01/03/2020
Discovery Closes	12/04/2019	02/02/2020
Plaintiff's Pretrial Disclosures Due	01/18/2020	03/18/2020
Plaintiff's 30-day Trial Period Ends	03/03/2020	05/02/2020
Defendant's Pretrial Disclosures Due	03/18/2020	05/17/2020
Defendant's 30-day Trial Period Ends	05/02/2020	07/01/2020
Plaintiff's Rebuttal Disclosures Due	05/17/2020	07/16/2020
Plaintiff's 15-day Rebuttal Period Ends	06/16/2020	08/15/2020
Plaintiff's Opening Brief Due	08/15/2020	10/14/2020
Defendant's Brief Due	09/14/2020	11/13/2020
Plaintiff's Reply Brief Due	09/29/2020	11/28/2020
Request for Oral Hearing (optional) Due	10/09/2020	12/08/2020

Date: 5 July 2019

Respectfully submitted,

By:



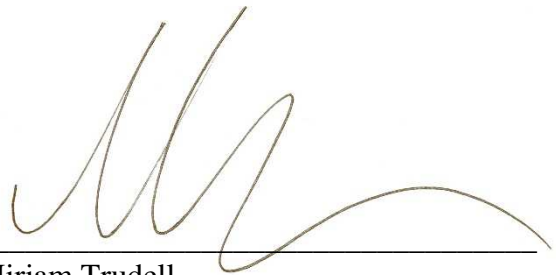
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**ATTORNEYS FOR APPLICANT
 PARIS CROISSANT CO., LTD.**

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2019 a true and correct copy of the **CONSENT MOTION TO EXTEND FOR SETTLEMENT DISCUSSION AND STATUS REPORT** was served by email only to:

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Alan Nemes
Michael Tolles
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A handwritten signature in black ink, appearing to read 'MT', is written over a horizontal line. The signature is fluid and cursive.

Miriam Trudell